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Public Ethics Commission

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TO: Public Ethics Commission
FROM: Daniel Purnell
DATE: July 11, 2005

**RE: A Report And Action To Be Taken Regarding Public Ethics
Commission Review Of Commission Authority And Organization**

Earlier this year, the Commission directed staff to prepare a memorandum comparing the Commission's existing legal authority and organization to that of other local "ethics" commissions. At its meeting of May 2, 2005, the Commission reviewed a staff memorandum that compared the various local commissions in terms of commission composition, method of appointment, commissioner qualifications, restrictions on membership, handling vacancies, relationship with staff, duties and responsibilities, enforcement procedures, conflicts with other local laws, and powers of subpoena.

Upon review of the memorandum, the Commission expressed its desire to proceed with a further study of the Commission's legal authority and organization with the goal of presenting the City Council with specific findings and recommendations. The Commission directed staff to report back with options for organizing the Commission's further review of this topic. This memorandum addresses those options.

There are at least three different ways for the Commission to proceed with this study. The first would simply have the Commission conduct this study as part of its ongoing agenda. Items could be agendaized for upcoming meetings to review different subjects of the study. Different speakers and interested parties could be invited to comment and participate. The main advantage of this approach is that the entire Commission would be engaged and kept up-to-date with the review and emerging policy issues. The disadvantage is that Commission meetings are typically filled with other items requiring the Commission's attention. This competition for Commission time could be ameliorated by holding special meetings to focus attention on this subject alone.

A second approach would be to delegate responsibility for further study to an ad hoc subcommittee, similar to the kind of committee the Commission appoints each year to review applications for Commission membership. The advantage of this approach is the relative ease of scheduling meetings and the flexibility inherent in conducting them. Like the full Commission, the subcommittee could invite interested persons to attend its meetings to provide comment and insight. The committee would then communicate its findings and recommendations to the full Commission for review and/or further direction. The disadvantage of this approach is the possible repetition of the subcommittee's review by the full Commission.

A third approach would be to form a task force composed of Commission members and interested parties to conduct the study. The task force could be comprised of as many people the Commission would like although as a practical matter, Commission staff recommends against any more than seven members to avoid difficulties in coordinating schedules and conducting timely and productive meetings. The task force could consist of appointees from various interested groups, such as the City Council, the business community, neighborhood and political organizations, academia, former commissioners, and/or the Commission's regulated community of lobbyists and former candidates. The advantage of this approach would be to focus a variety of experience and expertise on the subject of Commission authority. Depending on the standing of the representatives within their respective organizations, a task force might also improve the acceptance of its findings and recommendations. The disadvantage is that a task force may reach findings or recommendations with which the Commission disagrees or finds impracticable.

How the Commission chooses to organize a review of its authority is within its discretion to decide. Commission staff does not believe the amount of staff work will be affected by the manner in which the Commission decides to organize its review. If the Commission decides to proceed as a full Commission, no further action needs to be taken other than a direction to staff to begin the next step in the policy review. If the Commission wishes to proceed with a subcommittee, the Commission will need to select two to three members for that committee.

If the Commission chooses to proceed with a task force, the Commission will need to agree on a plan or procedure for inviting people to participate. Because the next Commission meeting will not occur until September 12, 2005, staff recommends that the Commission appoint a task force chairperson who, together with two other Commissioners, would comprise an ad hoc committee whose job it would be to invite and select other task force members based on membership criteria specified by the Commission. (If the Commission desires that two or more members serve on the task force, the two other members serving on the ad hoc committee could be appointed to serve although this potentially could limit the number of outside participants.)

All meetings of a Commission-created task force would be subject to the notice requirements of the Sunshine Ordinance.

Respectfully submitted,

Daniel D. Purnell
Executive Director