
City Attorney

City of Oakland
Public Ethics Commission
September 12, 2005

In the Matter of)
) Complaint No. 05-06
)

This complaint was initiated by the Public Ethics Commission at its regular meeting of April 6, 2005.

I. SUMMARY OF COMPLAINT AND ALLEGATIONS

The Public Ethics Commission initiated Complaint No. 05-06 based on news reports that the Oakland Board of Port Commissioners ("Port Board") conducted a closed session meeting on February 18, 2005, for which no public notice was given. The Commission directed staff to investigate whether the topics discussed at the meeting were proper subjects for a closed session meeting. Commission staff performed a preliminary investigation of the matter which was submitted and considered at the Commission's April 6, 2005, meeting.

On July 11, 2005, the Commission approved a motion to dismiss Complaint No. 05-06 conditioned upon all members of the Port Board of Directors having completed training in open meeting law within 90 days of the date of dismissal.

II. REPORT ON PORT COMPLIANCE

At its regular meeting of August 30, 2005, the Port Board noticed an item entitled "Presentation Of Open Meeting Laws." This item was agendaized in response to the Commission's request that the Port Board conduct training in open meeting laws. Agenda-related materials for this item were also made publicly available.

Commission staff reviewed the agenda materials and confirmed with Port Attorney David Alexander that all Port Board Directors attended the training. According to Mr. Alexander, the presentation lasted approximately 20 minutes, not including an extended question and answer period afterwards. The written materials on which the presentation was based reasonably covered the important topics of open meeting law. In addition, Mr. Alexander submitted to Commission staff a brochure entitled "Guide To Public Meetings" and a DVD on open meeting laws that the Port's legal department produced as a reference for Port Boardmembers and staff. Finally, Mr. Alexander advises that the Port Commission staff is reviewing a videotape produced by the Attorney General's office on Brown Act issues for future training purposes.

Commission staff will review a videotape of the Port's August 30 presentation prior to the Commission's September 12, 2005, meeting in order to answer any additional questions about the presentation.

III. STAFF RECOMMENDATION

Based on the above, Commission staff recommends that the Commission find that the Port Board has fulfilled its obligation to receive training in open meeting law.

Respectfully submitted,

Daniel D. Purnell
Executive Director

*** City Attorney approval as to form and legality elates 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.*