

Commission Membership: Victor Ochoa (Chair), Alden Mudge (Vice-Chair), Barbara Newcombe, Peter Reinke, Lily Kimura, Jon Sylvester, Kathryn Kasch

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 Ochoa, Mudge, Sylvester, Kimura, Newcombe and Kasch

Members excused: Commissioner Reinke

Staff present: Daniel Purnell, Executive Director  
Mark Morodomi, Deputy City Attorney

B. Approval of Draft Minutes of the Meeting of November 3, 2003

The Commission moved, seconded and approved a motion to adopt the draft minutes of the meeting of November 3, 2003. (Ayes: All).

C. Open Forum

There was one speaker: Sanjiv Handa

D. Complaints

1. A Report And Action To Be Taken In the Matter Of Complaint Nos. 03-09 and 03-14  
**CONSOLIDATED** (Mix)

The Commission moved, seconded and approved a motion to adopt staff recommendations as follows:

Regarding Complaint No. 03-09:

1) As to Mr. Mix's allegations pertaining to the selection of an outside mediator, the Commission dismissed the complaint and formally interpreted Section 2.20.270(C) to mean that mediation shall proceed with the Executive Director as a pre-condition to filing a complaint with the Commission unless the parties can agree on an outside mediator within a reasonable amount of time.

2) As to Mr. Mix's allegations that the Commission improperly considered Complaint Nos. 03-04 and 03-06, the Commission dismissed the complaint on grounds that: a) the Commission already determined it could consider Complaint No. 03-04 because it was filed before May 1, 2003; and b) the Commission already granted Mr. Mix's request for mediation of Complaint No. 03-06 because it was filed on May 1, 2003.

3) The Commission directed staff to prepare alternative amendments to Section XII.H of the Commission's General Complaint Procedures and Section 2.20.270(c) of the Sunshine Ordinance to accommodate the time necessary to conduct mediation within the 60-day filing period for complaints involving the Sunshine Ordinance. Until the final adoption of any amendments, the Commission established a policy not to dismiss any pending or future complaints pertaining to the production of public records if the reason the complaint was not filed within 60 days of the alleged violation is due to the need to complete mediation.

Regarding Complaint No. 03-14:

The Commission moved, seconded and approved a motion to dismiss Complaint No. 03-14 on grounds that Section 2.20.270(c) does not require a party to a mediation demand to agree on an outside mediator and that the underlying issue of attorney-client privilege presented in Complaint No. 03-14 is currently awaiting review by the Office of the San Francisco City Attorney's Office.

(Ayes: Ochoa, Mudge, Sylvester, Kimura, Newcombe and Kasch)

There were three speakers: Sanjiv Handa, David Mix, Ralph Kanz

2. A Supplemental Report And Action To Be Taken In The Matter Of Complaint No. 02-12 (Kanz)

The Commission received the supplemental staff report and took no further action on Complaint No. 02-12.

There were three speakers: Sanjiv Handa, David Mix, Ralph Kanz

E. An Oral Report And Action To Be Taken Regarding New Commissioner Recruitment, Application Deadlines And Selection

The Commission received an oral report from the Executive Director who stated the Commission had received a total of ten applications for the seat currently occupied by Commissioner Newcombe. The Commission's ad hoc Recruitment Committee will conduct interviews of all candidates on November 11 and November 16, 2003, on the Fourth Floor Conference Room of City Hall.

There was one speaker: Sanjiv Handa

F. A Discussion Of Campaign Outreach Efforts For The March 2004 Election

The Commission received an oral report from the Executive Director who stated that Oakland will host a seminar by the Fair Political Practices Commission (FPPC) on campaign finance law specifically designed for local candidates and treasurers participating in the March 2004 election. The seminar will be held in Oakland City Hall on Thursday, January 15, 2003, beginning at 7:00 p.m. The seminar will be followed by a question and answer session for Oakland candidates and treasurers presented by the Oakland Public Ethics Commission and Oakland Office of the City Attorney.

There was one speaker: Sanjiv Handa

The meeting adjourned at 8:40 p.m.