

**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:** May 2, 2005

**RE: A Report From the Office Of The City Attorney And Action To Be Taken  
In The Matter Of Complaint No 04-09 (Mordecai)**

At its regular meeting of March 7, 2005, the Commission considered Complaint No. 04-09 filed by James Mordecai in connection with the Oakland School Board meeting of January 3, 2005. A copy of the staff report was previously filed and distributed to the Commission and members of the public.

Mr. Mordecai alleges that the agenda for the January 3, 2005, Oakland School Board meeting violated the Oakland Sunshine Ordinance and Brown Act by failing to provide an opportunity for public comment (i.e., "open forum").

Before considering any further action on Complaint No. 04-09, the Commission requested the Office of the City Attorney to prepare a report on whether the Commission had jurisdiction over the Oakland School Board to determine alleged violations of the Sunshine Ordinance. A copy of the City Attorney's opinion is attached. **Attachment 1.**

On March 14, 2005, Mr. Mordecai filed another complaint against the Oakland School Board alleging Brown Act and Sunshine Ordinance violations. Commission staff expects to complete its investigation and preliminary report on this new complaint (No. 05-04) in time for the June 6, 2005, meeting.

Respectfully submitted,

Daniel D. Purnell  
Executive Director