

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2003 OCT 15 PM 3:21

To: Office of the City Manager
Attn: Deborah Edgerly
From: Daniel D. Purnell, Public Ethics Commission
Date: October 30, 2003
City Council Rules and Legislation Committee

Re: A Report and Recommendation To Obtain Required City Council Ratification Of Amendments To The Public Ethics Commission's Bylaws Pertaining To Committee Organization And Compliance With The Sunshine Ordinance.

SUMMARY

At its regular meeting of October 6, 2003, the Public Ethics Commission amended its bylaws to 1) eliminate its current Rules Committee and replace it with a Lobbyist Registration And Campaign Finance Committee, and 2) conform its meeting procedures to the recently amended Sunshine Ordinance. Pursuant to O.M.C. §2.24.070, these changes will become effective within 60 days of their adoption unless two-thirds of the members of the City Council vote to veto them.

FISCAL IMPACTS

None.

BACKGROUND

The Public Ethics Commission is currently organized into three standing committees: Rules Committee, Education Committee and the Sunshine Committee. Earlier this year, the Commission reviewed its committee organization and decided to eliminate its Rules Committee and replace it with a committee on Lobbyist Registration And Campaign Finance. This change reflects the Commission's responsibilities for administering Oakland's Lobbyist Registration Act and anticipates the Commission's comprehensive review of Oakland's Campaign Reform Act (OCRA) scheduled for next year.

In addition, the most recent amendments to the Oakland Sunshine Ordinance require conforming amendments to the Commission's bylaws. Specifically, the Sunshine Ordinance now requires the Commission to meet a ten-day notice requirement for all regular meetings. The bylaw amendments also delete much of the "old" Sunshine Ordinance language that was incorporated into the Commission's bylaws.

The proposed amendments to the Commission's bylaws are attached in redline format as Exhibit 1.

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O.M.C. §2.24.070 requires that any amendment to the Commission's "rules, regulations and procedures" be transmitted to the City Council within seven calendar days after adoption. The amendments become effective sixty days after adoption unless two-thirds of all the members of the City Council vote to veto them.

RECOMMENDATIONS AND RATIONALE

The Public Ethics Commission respectfully requests that the City Council permit the attached bylaw amendments to take effect without further action.

ACTION REQUESTED OF THE CITY COUNCIL


Accept this report and take no action to veto the adopted amendments.

Respectfully submitted,



Daniel D. Purnell
Executive Director
Public Ethics Commission

APPROVED AND FORWARDED TO THE
RULES AND LEGISLATION COMMITTEE



OFFICE OF THE CITY MANAGER

Attachments: Exhibit 1: Adopted bylaw amendments in redline format

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ARTICLE VI - Committees

Section 6: Rules Lobbyist Registration And Campaign Finance Committee

~~This standing Committee shall advise the Commission on the adoption and amendment of the bylaws, rules of procedures, code of conduct and ordinances for the conduct of the Commission's business.~~

~~is responsible for the periodic review and policy development of the Lobbyist Registration Ordinance, Limited Public Financing Act, and the Oakland Campaign Reform Act. Its duties are to review compliance with, and the effectiveness of, these ordinances; make recommendations to the Commission regarding specific amendments; and direct the preparation of any report or information to better advise the public and the regulated community of their rights and obligations under these laws.~~

ARTICLE VII - Meetings

Section 10: Notice and Conduct of Regular Commission and Standing Committee Meetings

~~Notices and agendas of all regular Commission and standing Committee meetings shall be posted in filed with the City Clerk's Office and posted on an exterior bulletin board accessible twenty-four hours a day. Notice of regular meetings shall be posted at least 72 hours ten days before the meeting.~~

~~Action may only be taken on items properly noticed pursuant to this section and the Brown Act unless that comply with the notice provisions of the Sunshine Ordinance and the Brown Act.~~

- ~~1. A majority of the body votes to take action on a non-agendized item due to an accident, natural disaster or work force disruption that poses a threat to public health and safety.~~
- ~~2. Two thirds of the members present make a good faith reasonable determination that (A) the need to take immediate action on a non-agendized item is necessary to prevent serious injury to the public interest if action were deferred to a subsequent special or regular meeting, there is a need to take immediate action on a non-agendized item which relates to federal or state legislation, or the non-agendized action relates to a purely commendatory action, and (B) that the need for such action came to the attention of the body subsequent to the Agenda being posted as specified in Sec. 00.7 (A). (Sunshine Ordinance section 00.7 (E).)~~

~~No other business shall be considered at such meetings by the body unless pursuant to the Brown Act it is an emergency item or the need to take action came to the attention of the Commission after the posting of the agenda.~~

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EXHIBIT 1

Section 11: Notice and Conduct of Special Commission and Standing Committee Meetings

Special Commission and standing committee meetings may be called at any time by the Chairperson or by a majority of the Commissioners or standing committee members. ~~Notice for such matters shall be delivered in the most expeditious manner available; in person, by mail, facsimile, e-mail or of all special meetings shall be posted on an exterior bulletin board and filed with the Office of the City Clerk at least written notice to each member of the body and to each media organization (local newspaper, wire service, radio or television station) requesting notice in writing. Notice shall similarly be provided to all Agenda Subscribers, so that notice of the special meeting is received at least two business days excluding holidays or 72 hours, whichever is greater, before the time of such meeting as specified in the notice and posted "on-line." The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the body unless pursuant to the Brown Act it is an emergency item or the need to take action came to the attention of the Commission after the posting of the agenda. Each special meeting shall be held in City Hall in Oakland except that the Commission or standing committee may designate an alternate meeting place provided that such alternate place is specified in the call and notice of the special meeting; further provided that the call and notice of the special meeting shall be given at least 15 days prior to said special meeting being held at an alternate place. (Sunshine Ordinance section 00.6 (E).)48 hours (excluding Saturday, Sunday, and Holidays) before the time of the meeting set forth in the Agenda. All other notice requirements of the Sunshine Ordinance and the Brown Act shall be met.~~

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EXHIBIT 1