

Item 10c - Dismissal Letter to Commission



CITY OF OAKLAND

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Public Ethics Commission
Enforcement Unit

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February 23, 2022

Oakland Redistricting Commission
C/O Corey Alvin, Environmental Coordinator
250 Frank H. Ogawa Plaza
Suite 3315
Oakland, CA 94612

Re: PEC Complaint No. 21-08; Dismissal Letter

Dear Commissioners and Mr. Alvin:

On December 23, 2021, the City of Oakland Public Ethics Commission (PEC) received a complaint (Complaint No. 21-08) that alleged the Redistricting Commission failed to provide notice and an agenda to City email subscribers for its December 13, 2021, public meeting, in violation of the Oakland Sunshine Act and the California Brown Act.

Our investigation found that the meeting notice, agenda and agenda related items for the December 13, 2021, Redistricting Commission meeting was not distributed to the agenda subscribers. While that omission does not invalidate the commission's actions per City ordinance section O.M.C. 2.20.090, the failure to distribute the notice to the Commission subscribers caused concern and could have been more openly addressed by acknowledging the error publicly and taking steps to voluntarily "cure and correct" the omission as provided the Sunshine Ordinance or otherwise show that the Commission attempted to offer more time for public review and comment at a later time in light of the omission. It is important to follow the law as well as the spirit in which the law was written, despite a technical exemption for the kind of omission that occurred – whether inadvertent or not.

In the future, when this Redistricting Commission compiles its final report and recommendations for the next group of Commission volunteers and staff, we suggest incorporating into your recommendations that Commissioners and staff should request a Public Ethic Commission training upon startup to cover not only the Government Ethics Act, but also a training on the Sunshine Ordinance and open meetings rules in particular.

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After careful review of the law and the facts of the complaint, we are therefore dismissing this complaint because the actions of the Commission, although concerning, do not violate the Oakland Sunshine Act.

A copy of the dismissal letter is attached. If you have any questions regarding this matter, please feel free to contact me at (510) 238-4976 or Kjohnson3@oaklandca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Kellie Johnson". The signature is written in a cursive style with a large initial "K".

Kellie F. Johnson
Chief of Enforcement
City of Oakland Public Ethics Commission

Enclosure