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Addendum to Complaint filed February 8, 2018

1 message

2018 MAR -7 PM 4: 28

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To: Gene Hazzard <genehazzard@gmail.com>

DISTRICT ATTORNEY
ALAMEDA COUNTY

Wed, Mar 7, 2018 at 1:07 PM

At the meeting of the Oakland City Council of March 6, 2018, the City Clerk presented a revised/corrected draft of the minutes of the Oakland City Council meeting of February 6, 2018. The reason for this additional corrected draft, related to an agenda item 11 which was the source of contention at the Council meeting of February 20, 2018. This was a proposed Council resolution to amend the Council Rules and Procedures [Rule 4 and 7.6].

Because the draft minutes of February 6 was presented at the February 20, 2018 Council meeting for approval, it did not reflect the total action of the Council on February 6, and inadvertently did not reflect the FAILED Original motion to which twenty-five(25)members spoke. A subsequent illegal motion was presented by Councilmember Dan Kalb following the FAILED Original motion which was neither a substitute motion nor an amended motion. The Public was denied an opportunity to speak on Kalbs illegal motion which violated the Ralph Brown Act that provides an opportunity for public participation. Additionally, Kalbs motion violated Roberts Rules of Order related to how motions are introduced .. Roberts Rules of Order is the guided document. for which the Council conducts its meetings.

At the Council meeting of March 6, 2018 only five(5) of the eight(8) members of the Council were present. Agenda item 5 called for the approval of the revised/corrected minutes of February 6, 2018 Council meeting. The presented proposed Resolution 87044 [amending Rule 4 and 7.6] was not the illegal motion presented by Councilmember Kalb in this draft minutes. Instead, 87044 was a motion that represented its authors as Councilmember Lynette McElhaney and Councilmember Anne Campbell Washington. Over the objections of the public [to this glaring misrepresentation of Kalbs illegal motion of February 6, 2018] the Chair of the meeting Councilmember Abel Guillen preceeded with the vote of the February 6, 2018 draft minutes

The vote was Ayes (3) represented by Councilmember Dan Kalb, Councilmember Anne Campbell Washington and President Pro Tem Abel Guillen. The No(2) represented by Councilmember Rebecca Kaplan and Councilmember Noel Gallo. Although by the vote count, the motion FAILED because it required at least four(4) votes for approval of the draft minutes. Councilmember Guillen along with the Parliamentarian(the City Attorney) indicated the motion passed.

It should be further noted, although the proposed Resolution 87044 did not represent Councilmember Dan Kalbs illegal motion he introduced at the February 6, 2018 meeting he knowingly voted to approve this draft minutes.

The enclosed KTOP Disc of the recording of the Council's meeting of March 6, 2018 [review agenda it five(5) the revised/corrected draft minutes of February 6, 2018]. This action approved by Councilmember Guillen and City Attorney Morena is not only unlawful and illegal but reprehensible as well. It should be NULLIFIED.

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ALAMEDA COUNTY
DISTRICT ATTORNEY

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