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To: Barbara Parker, Oakland City Attorney
From : Gene Hazzard
Date: June 30, 2015

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ALAMEDA COUNTY

Ms. Parker:

This is a formal request that the Oakland City Council Cease and Desist its current action of violating the OPEN MEETING law of Ralph Brown Act which includes sections 54953(a), 54953.2, 54953.3.

Remedies to the above violations are indicated in sections 54959, 54960(a) and 54960.1(a) of the Ralph Brown Act if the City continues its current action.

The circumstances for which the Oakland City Council's current action illegally prevent public access into the Council chambers during a meeting, emanates from the disruption of the May 5, 2015 City Council meeting by unruly demonstrators commandeering the Council meeting, resulting in the cancellation.

The leadership of the City Attorney's office, the President of the City Council, the City Administrator, and the Mayors office all failed to exercise their legal remedy found in the Ralph Brown Act section 54957.9 and a default provision of the Penal Code 403 allowing for clearing the Council chambers allowing the business of the City to continue with minimally media presence.

54957.9 states, " In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting..."

PENAL CODE 403 states, " Every person who , WITHOUT AUTHORITY of law willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in section 302 of the Penal Code or 18340 of the Election Code, is guilty of a misdemeanor ".

In the initial two subsequent meetings following the May 5, 2015 City Council meeting,, it was ill-advised, requiring the public in attendance to sign in if they wanted to attend the Council meeting, a clear violation of section 54953.3 of the Ralph Brown Act, "A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, ...fulfill any condition precedent to his or her attendance".

It was brought to the Council's attention by an Oakland resident at this meeting to discontinue this illegal action requiring a sign-in, the City immediately complied. .

However, attempting to address any future unruly disturbance beyond the legal remedies provided pursuant to section 54957.9 of the Ralph Brown Act and Penal Code 403 , the Council President,the City Attorney and the City Administrator have created an environment which has become not only more chaotic and unruly but contentious as well from both the public and the President's own colleagues on the Council..

By their own direction ,no longer will members of the public be allowed to sit in the two balcony areas of the Council Chambers when meetings are in session. The City Administrator stated at the June 22, 2015 Council meeting the reason for this action , "SOMEONE MIGHT GET A HEART ATTACK", and inferred that the balcony will remain closed to public access at All future Council meetings. Both this statement and action are irresponsible. There has never been a heart attack anywhere in the Council chambers. This irrational response is an attempt to prevent public access and to stifle public comment.

Additionally,this misconduct by the City was unconscionable. Further, there was a total disregard for our Seniors and our Disable citizens who were in attendance at the June 22, 2015 Budget meeting of the Council, many of whom were prevented by staff and private security from entering the Council Chambers to address their concerns regarding the Budget. Many of the elderly were either left standing in the lobby or directed to the overflow room downstairs. This created a untenable situation where the Seniors and our Disable citizens were unable to hear their names when called to speak before the Council,others left out of frustration. The Council made no provisions to accommodate our Seniors

nor our Disable residents. They should have been given preferential sitting..

This exhibition was a flagrant violation of section 54953.2 of the Ralph Brown and Section 202 of the Americans with Disabilities Act of 1990(42 U.S.C. 12132) and federal rules and regulations adopted in implementation thereof and should not be repeated.

The City has ALL the legal authority to take appropriate action when any willful interruption by a group or groups of person "so as to render the orderly conduct of such a meeting unfeasible"... pursuant to 54957.9 of the Ralph Brown Act and PENAL CODE 403. If the City continues in the manner of the June 22, 2015 Council meeting, it will ONLY exacerbate a hostile situation.

Cease and Desist.


Gene Hazzard

06-30-2015