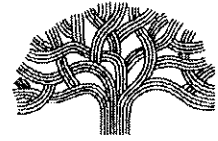


CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • CITY HALL • 1ST FLOOR, #104 • OAKLAND • CA 94612

Public Ethics Commission
Enforcement Unit

(510) 238-3593
FAX (510) 238-3315
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May 18, 2017

Gene Hazzard
282 Adams Street #6
Oakland, CA 94610

Re: PEC Complaint No. 17-01; Dismissal Letter

Dear Mr. Hazzard:

On January 12, 2017, the City of Oakland Public Ethics Commission (PEC) received your complaint alleging that Mayor Libby Schaaf violated the City's Non-Interference in Administrative Affairs provision due to her involvement in the hiring and firing of the City's Chief of Police in 2016 and 2017. On February 8, 2017, you added to your complaint an allegation that Mayor Schaaf violated City Charter section 604(b)(10) by appointing a new Chief of Police without consulting with the City's Police Commission. After a review of both your allegations and the relevant laws, we have determined that the alleged conduct does not violate any laws within the PEC enforcement jurisdiction, and are therefore dismissing your complaint.

The City's Non-Interference in Administrative Affairs provision prohibits the City Council and its members from: 1) giving orders to any subordinate of the City under the jurisdiction of the City Administrator; 2) attempting to coerce or influence the City Administrator in respect to any contract, purchase of any supplies, or any other administrative action; 3) directing or requesting the appointment of any person to or her removal from office by the City Administrator or any of her subordinates or such officers; or 4) taking part in the appointment or removal of officers or employees in the administrative service of the City.¹

The City's Non-Interference in Administrative Affairs provision does not apply to the Mayor. As such, your allegation that Ms. Schaaf participated in the hiring and firing of

¹ Oakland Government Ethics Act (GEA) § 2.25.070(E).

the Chief of Police does not constitute a violation of the City's Non-Interference in Administrative Affairs provision.

You also allege that Ms. Schaaf violated City Charter section 604(b)(10) due to her involvement in the hiring of the Chief of Police earlier this year. City Charter section 604(b)(10) requires the Mayor to appoint a new Chief of Police from a list of candidates provided by the City's Police Commission. However, the PEC does not have the jurisdiction to enforce City Charter section 604(b)(10). Additionally, City Charter section 604(b)(10), which was adopted by voters in the November 8, 2016, election, expressly exempts the aforementioned requirement in any recruitment that started prior to the first meeting of the City's Police Commission. The City's Police Commission has not, to date, conducted its first meeting.

Because the alleged conduct in your complaint does not violate the City's Non-Interference in Administrative Affairs provision, and we do not have the jurisdiction to enforce City Charter section 604(b)(10), we are dismissing your complaint pursuant to the PEC's Complaint Procedures.

Thank you for taking the time to communicate your concerns with us. If you have any questions, please feel free to contact me at (510) 238-4976 or mdalju@oaklandnet.com.

Sincerely,

Milad Dalju
Deputy Director and Chief of Enforcement
City of Oakland Public Ethics Commission

cc: Mayor Libby Schaaf