



City of Oakland
Public Ethics Commission

Complaint Form

For PEC Staff Use Only

Staff Initials: _____

Complaint #: _____

The Public Ethics Commission can investigate complaints of violations of laws related to campaign finance, lobbyist registration, public records, open meetings, and governmental ethics laws. The Commission has limited authority to enforce public records, open meetings, and governmental ethics laws but may be able to issue findings and recommendations, or to take limited action, such as mediation, on these issues.

If you would like to submit a complaint that is within the Commission's jurisdiction, please complete this form, which becomes a public record available for inspection and copying by the public, along with any documents submitted with this form. A copy of this complaint will be made available to the persons identified in the allegations below. For more information about the Commission's complaint process, see the Commission's Complaint Procedures.

A **Formal Complaint** requires that you complete all of the information on this form, including your name, address, phone number, and signature verifying under penalty of perjury the information you provide in this complaint. The Commission must review and take action on the complaint and notify the complainant about the Commission's final action.

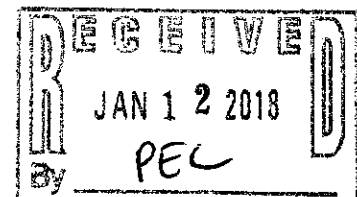
An **Informal Complaint** is a complaint that does not meet all the requirements of a Formal Complaint. Informal Complaints, such as anonymous complaints and complaints without all of the information required above do not require action or notification to the complainant upon final action. Commission staff reviews informal complaints and can determine whether the complaint should move forward to investigation. Informal tips can be submitted to Commission staff by phone, email, or fax.

Contact Information of Person Making Complaint (This information will be available to the public.)

Name: GENE HAZZARD
Street Address: 282 ADAMS ST #6
City: OAKLAND State: CALIF. Zip Code: 94610
Email: GENEHAZZARD@GMAIL.COM Phone: (510) 418-0561

Type of Alleged Violation. Please select from below which law you allege has been violated:

- ☒ The Oakland Sunshine Ordinance, California Public Records Act, or Ralph M. Brown (open meetings) Act
- ☐ Oakland Campaign Reform Act
- ☐ Oakland Limited Public Financing Act
- ☐ Oakland Lobbyist Registration Act
- ☐ Oakland False Endorsement in Campaign Literature Act
- ☐ Oakland Government Ethics Act
- ☐ Not sure which specific law, ordinance or regulations apply



Description of Violation. Please complete the lines below or attach a handwritten or typed attachment that provides the following details: If you run out of space, please attach handwritten or typed pages that provide the following details:

- **Name of the person or persons you are alleging committed a violation.** Please include any known address, phone number, email address, title, employment address, etc.:

PRESIDENT LARRY REID OF THE OAKLAND CITY COUNCIL
WHO VIOLATED THE ROLPH BROWN ACT SECTIONS 54956.3(a)
AND 54953.3(a)(b)(i)

- **The facts of the alleged violation.** Please include the date and location of the alleged violation, if known:

THE SPECIAL CITY COUNCIL MEETING OF DECEMBER 18, 2017
PRESIDENT REID ABUSED HIS DISCRETION BY PLACING (32)
AGENDA ITEMS ON THE SPECIAL MEETING AGENDA -
VIOLATING SECTIONS 54956.3(a) - SEE ATTACHED FOR COMPLETE

- **The names, addresses, and phone numbers of any witnesses who were involved and/or can provide additional information, if known:**

ALL COUNCIL MEMBERS AT THE DECEMBER 18, 2017
SPECIAL MEETING - WHO APPROVED BOTH CONSENT
AND NON-CONSENT AGENDA ITEMS

- **Additional information or documentation that might aid in the investigation of the alleged violation.** Please include copies of such documentation and list them here.

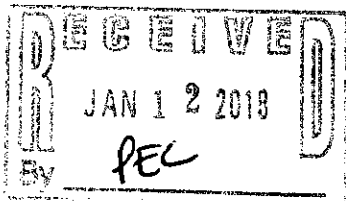
NONE OF THE 32 AGENDA ITEMS - THOUGH SCHEDULED
TO APPEAR AT THE APPROPRIATE STANDING COMMITTEE
(BUT NEVER WAS HELD) AT THE RULES COMMITTEE OF
NOVEMBER 16, 2017 - (SEE ATTACHED FOR DETAILS)

Verification. I certify under penalty of perjury under the laws of the State of California that my attached statements are true and correct.

Executed on JANUARY 12, 2018 at OAKLAND, CALIFORNIA 94612
(Date) (City, State)

[Signature]
(Signature)

Complaint Submission. Please complete and submit this form and any attachments by email, mail or fax:



Email: EthicsCommission@oaklandnet.com
Mail: Public Ethics Commission
1 Frank H. Ogawa Plaza, Rm. 104
Oakland, CA 94612
Phone: (510) 238-3593
Fax: (510) 238-3315

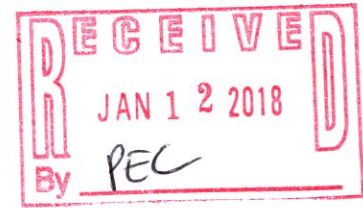
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CLEAR

Barbara Parker, Oakland City Attorney

One Frank Ogawa Plaza - Six Floor

Oakland, California 94612



Subject: Revised Complaint of December 24, 2017 re: Unlawful approval of AGENDA items at the Special Meeting of the Oakland City Council of December 18, 2017 – CURE and CORRECT

January 11, 2018

Dear Ms. Parker:

This is a revised official COMPLAINT I had previously emailed you on December 24, 2017 regarding the approval action taken by the members of the Oakland City Council at the Special Meeting of December 18, 2017 called by President Larry Reid. Councilmember Desly Brooks was not present at this meeting.

The Ralph Brown Act of 1953 allows for the presiding officer or a majority of the legislative body [in this instance the CURRENT MEETING OF THE OAKLAND REDEVELOPMENT SUCCESSOR AGENCY/CITY COUNCIL] to call for a Special Meeting pursuant to Government Code 54956(a) :

“A special meeting may be called at any time by the presiding officer of the legislative body of a local agency or by a majority of the members of the legislative body” ...

These meetings are called to discuss ONLY discrete items on the Agenda under the Brown Act. The intent is generally to discuss a SINGLE issue Agenda item.

At the Rules Committee of December 14, 2017 President Larry Reid scheduled 32 Agenda items to be heard at the Special City Council meeting of December 18, 2017. There were twenty-four(24) Consent Agenda Items listed and eight(8) Non-Consent Agenda Items.

These thirty-two(32) Agenda Items are clearly a RECKLESS abuse of President Larry Reid’s discretion to be able to call for a Special Council meeting, and ignoring the Intent of Government Code 54956. Additionally, all of the Agenda Items were scheduled at the November 16, 2017

(2)

to appear at the appropriate Standing Committee of the Council which were never held.

STANDING COMMITTEES are subject matter jurisdiction under the Brown Act.

The first appearance of most of these Agenda Items was on the Consent calendar of the Special meeting of December 18, 2017. Here once again, President Reid abused his discretion of 54954.3(a)(b)(1) of the Ralph Brown Act by directing the City Clerk to limit Public Comment to a maximum six(6) minutes although a member(s) of the Public wanted to speak on each Consent Item where there was no staff report accompanying the Consent Agenda Item.

The most egregious approval action by the council at the Special meeting of December 18, 2017 was the Non-Consent Item Thirteen(13):

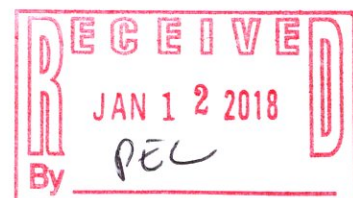
Subject: Replacement of Embarcadero Bridge Project

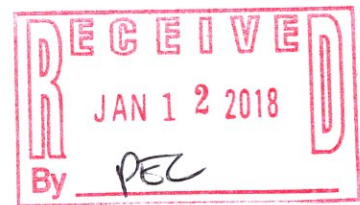
From: Transportation Department

Recommendation: Adopt The Following Pieces of Legislation

1) A Resolution Waiving Advertising And Competitive Bidding And Increasing The Change Order Limit For the Contract With Flatiron West , Inc. For The Replacement Of Embarcadero Bridge Over Lake Merritt Channel (Project No. G121810) From Twenty-Five Percent(25%) To Eighty Percent(80%) Of The Original Contract Amount For A Total Contract Amount Not-To-Exceed Twenty-Nine Million Five Hundred Nineteen Thousand One Hundred Fifty Dollars(\$29,519,150.00).-[17-0402]

2)A Resolution Waiving the RFP/RFQ Competitive Selection Process Requirements And Authorizing An Amendment To The Professional Services Contract With T.Y. Lin International/AeCom Joint Venture For the Replacement Of Embarcadero Bridge Over Lake Merritt Channel(Project No. G121810) Increasing The Scope of Work And The Contract Amount By One Hundred Fifty Thousand Dollars(\$150,000.00) For A Total Contract Amount Not-To-Exceed Two Million Six Hundred Thirty Thousand Two Hundred Forty-Four Dollars (\$2,630,244.00). And





3)

3) A Resolution Waiving the RFP/RFQ Competitive Selection Process Requirements And Authorizing An Amendment To The Professional Services Contract With Biggs Cardosa Associates Inc. For The Replace of Embarcadero Bridge Over Lake Merritt Channel (Project No. G121810) Increasing The Scope of Work And The Contract Amount By Seventy-Five Thousand Dollars(\$75,000.00) For A Total Contract Amount Not-To-Exceed Five Hundred Seventy-Five Dollars(\$575,000.00)

It should be NOTED however, when this matter of scheduling The Replacement of the Embarcadero Bridge Project to Standing Committee of the Public Works Committee on December 5, 2017 that was never held, the report and the accompanying recommendation for Council approval reflected a different Change Order from Twenty-five(25%)percent to Sixty-five(65%)percent[17-0402]and A resolution Waiving the RFP/RFQ Competitive Selection Process Requirements- "Increasing The Scope of Work And Contract By Fifty Thousand Dollars(\$50,000.00) For A Total Contract Amount Not-To-Exceed Five Hundred Fifty Thousand Dollars(\$550,000.00). On the December 5, 2017 Public Works Committee Agenda.[17-0404 {Source Material Meeting Agenda-FINAL *Rules & Legislation Committee.

HOW THEN , CAN THE CHANGE ORDER FIGURE OF 25% TO 80% APPEARING ON THE SPECIAL MEETING OF THE COUNCIL OF DECEMBER 18,2017 , REFLECT A DIFFERENT AMOUNT 25% TO 65% CHANGE ORDER THAT WAS PRESENTED AT THE NOVEMBER 16, 2017 RULES COMMITTEE WHICH SCHEDULED THIS MATTER TO BE HEARD FOR THE STANDING PUBLIC WORKS COMMITTEE OF DECEMBER 5, 2017 THAT WAS NEVER HELD. ADDITIONALLY , HOW DID THE DOLLAR AMOUNT OF \$50,000.00 RECOMMENDED TOTHE STANDING COMMITTEE OF THE PUBLIC WORKS COMMITTEE FROM THE TRANSPORTATION DEPARTMENT [THAT WAS NEVER HELD] FOR THE SCOPE OF WORK INCREASE BY \$25,000.00 NOW TO REFLECT \$75,000.00 AT THE SPECIAL MEETING OF DECEMBER 18,2017. NEITHER WAS THERE ANY OPPORTUNITY FOR PUBLIC COMMENT, NOR DID STAFF'S PRESENTATION AND REPORT REFLECT THE DISCREPANCIES IN THESE AMOUNTS.

Another example of abuse of discretion by President Reid and a violation of 54956(a) 54954.3(a) of the Ralph Brown Act.

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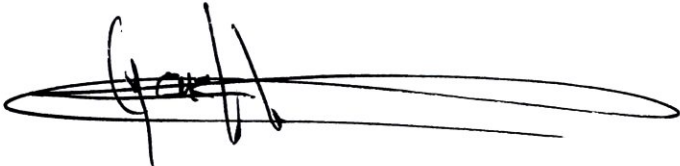
Finally, in your Opinion of November 9, 2017 for which you were referencing a matter of content for a Special Meeting related to the City Charter you cite provision of the Ralph Brown Act (California Government Code section 54956)-for which you opined that "SPECIAL MEETINGS SHALL BE LIMITED TO A SINGLE SUBJECT."

This is the same basis for which my position has been presented above , citing the provisions of the Ralph Brown Act section 54956(a)and 54954.3(a). A clear violation of the law which requires CURE and CORRECT.

Individuals or the district attorney may file civil lawsuits for injunctive, mandatory or declaratory relief, or to void action taken in violation of the Act. GOVERNMENT CODE 54960; 54960.1

The remedy for these violation is to INVALID all approval action taken by the Council at the SPECIAL MEETING OF DECEMBER 18, 2017.

Respectfully,

A handwritten signature in black ink, appearing to read 'Gene Hazzard', is written over a horizontal line.

Gene Hazzard

Cc: Councilmembers- President Larry Reid, Abel Guillen, Anne Campbell Washington, Dan Kalb, Lynette McIhaney, Rebecca Kaplan, Noel Gallo, Desly Brooks, City Clerk LaTonda Simmons, City Auditor Brenda Roberts, Public Ethics Director Barazota and Dalju Milad, City Administrator Sabrina Landreth, Alameda County Grand Jury, Alameda County District Attorney Nancy O'Malley, California Department of Justice,

