

SWORN COMPLAINT FORM
(Form May Be Subject to Public Disclosure)*

AS REQUIRED BY GOVERNMENT CODE SECTION 83115, please complete the form below to file a sworn complaint with the Fair Political Practices Commission.

Mail the complaint to:

**Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814**

***NOTE:** The Fair Political Practices Commission does not enforce or address violations of the Brown Act, the content of campaign communications, residency requirements, the inappropriate use of public funds or resources (including use of uniforms or equipment), placement of campaign signs or materials on public property, or violation of a local campaign rule or campaign ordinance.*

Person Making Complaint

Last Name: Gene

First Name: Hazzard

Street Address: 282 Adams St. #6

City: Oakland State: California Zip: 94610

Telephone: (510.) 418 -0501

Fax: () -

E-mail: genehazzard@gmail.com

***IMPORTANT NOTICE**

Under the California Public Records Act (Gov. Code Section 6250 and following), this sworn complaint and your identity as the complainant may be subject to public disclosure. Unless the Chief of Enforcement deems otherwise, within three business days of receiving your sworn complaint we will send a copy of it to the person(s) you allege violated the law.

In some circumstances, the FPPC may claim your identity is confidential, and therefore not subject to disclosure. A court of law could ultimately make the determination of confidentiality. If you wish the FPPC to consider your identity confidential, do not file the complaint before you contact the FPPC to discuss the complaint at (916) 322-5660 or toll free at (866) 275-3772.

Person(s) Who Allegedly Violated the Political Reform Act: (If there are multiple parties involved, attach additional pages as necessary.)

Last Name: Reid

First Name: Larry

Committee Name: Members of the Oakland City Council
(only if applicable)

Street Address: One Frank Ogawa Plaza

City: Oakland State: California Zip: 94612

Telephone: () -

Fax: () -

E-mail: lreid@oaklandnet.com

Describe, With as Much Particularity as Possible, the Facts Constituting the Alleged Violation(s) and How You Have Personal Knowledge that it Occurred.*

This sworn complaint references alleged violation of Government Code 54956(a) A Special meeting of the Oakland City Council on December 18, 2017 where I was attendance. 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"... "NO OTHER BUSINESS SHALL BE CONSIDERED AT THESE MEETINGS BY THE LEGISLATIVE BODY." The intent of this language is that ONLY one item is the subject of the Special meeting. It is not clear whether President Larry Reid called for the Special Meeting or a Majority of the City Council initiated the action. There were 24 listed Agenda items where twenty-one (21) items appeared on the CONSENT calendar although scheduled for the appropriate Council "Standing Committees" but were never heard. Similarly, three(3) Agenda items appeared on the NON CONSENT calendar although scheduled for the appropriate Council "Standing Committees" but were never heard. The items on the CONSENT calendar were approved in a BUNDLE where Government Code 54954.3 (a)-(b)(1) was violated by limiting Public Comment. See attached copy of a COMPLAINT filed with Barbara Parker, City Attorney.

***IMPORTANT! Attach copies of any available documentation that is evidence of the violation, (for example, copies of checks, campaign materials, minutes of meetings, etc., if applicable to the complaint.) Note that a newspaper article is NOT considered evidence of a violation.**

Provision(s)/Section(s) of the Political Reform Act Allegedly Violated and When the Violation(s) Occurred: (If specific sections are not known, please provide a brief summary)

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"... "No other business shall be considered at these meetings by the legislative body."

Government Code 549.3(a) requires ... "Every notice for a Special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item." (b)(1) The legislative body of a local agency may adopt reasonable regulations to ensure that the INTENT of subdivision(a) is carried out, including, but not limited to , regulations limiting the total amount of time allocated to public testimony on particular issues and for each individual speaker...

NOTE:: I filed an official COMPLAINT with the CITY ATTORNEY , BARBARA PARKER regarding the alleged violation of Government Code 54956(a) and Government Code 54954.3(a)(b)(1)

###

Name and Addresses of Potential Witnesses, Other than Yourself, if Known:

Last Name: _____

First Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: (5 _____) _____

Fax: (_____) _____

E-mail: _____

Last Name: _____

First Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) ____ - _____

Fax: (____) ____ - _____

E-mail: _____

###

Last Name: _____

First Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) ____ - _____

Fax: (____) ____ - _____

E-mail: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


(Signature)

12-26-2017
(Date)

(Please Print Your Name)

Clear Page

Print Page

12/23/2017

Gmail - COMPLAINT regarding Unlawful approval of AGENDA items at December 18,2017 City Council meetinh



Gene Hazzard <genehazzard@gmail.com>

COMPLAINT regarding Unlawful approval of AGENDA items at December 18,2017 City Council meetinh

50 messages

Gene Hazzard <genehazzard@gmail.com>

Sun, Dec 24, 2017 at 12:25 PM

To: Barbara <ainparker@yahoo.com>, bparker@oaklandcityattorney.org
Cc: LReid <LReid@oaklandnet.com>, Abel Guillen <aguillen@oaklandnet.com>, acampbellwashington@oaklandnet.com, Dan Kalb <dkalb@oaklandnet.com>, lmcclhaney <lmcclhaney@oaklandnet.com>, rkapan@oaklandnet.com, ngallo@oaklandnet.com, "Brooks, Desley" <DBrooks@oaklandnet.com>, latondas@yahoo.com, Brenda Roberts <cityauditor@oaklandnet.com>, cassie.barner@acgov.org, "Barazoto, Whitney" <wbarazoto@oaklandnet.com>, "Dalju, Milad" <mdalju@oaklandnet.com>

Ms. Parker:

This is an official COMPLAINT regarding the UNLAWFUL approval of Agenda items at the SPECIAL CONCURRENT meeting of the Oakland Redevelopment Successor Agency/City Council on Monday December 18, 2017. These Agenda items NEVER appeared before the appropriate Standing Committee prior to the Council's approval at the Special meeting on December 18, 2017.

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"... "No other business shall be considered at these meetings by the legislative body."

NOTE: It is unknown who initiated the action for the Special meeting of December 18, 2017, whether it was called by the President of the Council, Larry Reid or by a majority of the members of the Oakland City Council. Councilmember Desly Brooks was not present at the meeting.

Government Code 54954.3(a) requires "Every agenda for the regular meetings shall provide an opportunity for member(s) of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body consideration of the item"... Further,

"Every notice for a Special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item." (b)(1) The legislative body of a local agency may adopt REASONABLE regulations to ensure that the INTENT of subdivision(a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.. Here is where President Larry Reid has abused his discretion and has violated the INTENT of Government Code 54954.3(b)(1). by directing the City Clerk to limit the time of each speaker to a maximum of six minutes although some members of the public wanted to comment on All of the Agenda items listed on the Consent calendar which totaled 21 items

THE ISSUE; What is considered "REASONABLE"

It should be noted that the President of the Council purposely 'bundles' an UNREASONABLE" number of items for the CONSENT calendar to limited public comments without staff presenting a report before Council approval on the BUNDLED items

While the Special meeting of the Oakland City was lawful under Government Code 54956; the Council's approval action of twenty-four (24) agenda appearing both on the CONSENT and the NON-CONSENT appears to have been UNLAWFUL under Government Code 54954 (3)(a) and (b)(1).

There were twenty-one(21) agenda items listed on the CONSENT calendar and three(3) agenda items listed on NON-CONSENT. It should be noted that all of the above items were scheduled for the appropriate Standing Council Committee meetings that were NEVER without staff's recommendation held prior to the Council's approval action at the Special meeting of December 18, 2017. The most egregious action by the Council was Agenda item 13 appearing on the NON-CONSENT calendar that was scheduled for the Public Works Standing Committee, but was never held. The item(Project No. G121810) regarding Replacement of Embarcadero Bridge Channel-which is increasing the CHANGE ORDER for the contract with Flatiron West Inc. from twenty-five(25%)percent to Eighty Percent(80%)percent. Although, a staff report was given(very sketchy at best) ,accompanied by the ill-advised comments by the City Attorney stating that, "Because Oakland is a Chartered City they can established their own rules." NOTE : This increase in the long established CHANGE ORDER percentage was highly irregular which is almost doubling the so-called "lowest responsible

12/23/2017

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bid" from Flatiron. It should further be noted, that staff had previously rejected four earlier bids(without explanation) and sent out another Request for Proposals(RFQ)

RECOMMENDATION:

1.The Council must CURE and CORRECT all action items that were approved at the Special meeting of December 18, 2017.

2. The City Attorney must NULLIFY the approval action on all CONSENT and NON-CONSENT agenda items that were scheduled for the appropriate Standing Committee meeting but were NEVER held which resulted in Council approval of the Agenda item.

Gene Hazzard
www.cleanoakland.com
510.472.4216

Gene Hazzard <genehazzard@gmail.com>
To: Gene Hazzard <genehazzard@gmail.com>

Sun, Dec 24, 2017 at 12:25 PM

[Quoted text hidden]

Gene Hazzard <genehazzard@gmail.com>
To: assata580@yahoo.com

Sun, Dec 24, 2017 at 12:25 PM

----- Forwarded message -----

From: **Gene Hazzard** <genehazzard@gmail.com>

Date: Sun, Dec 24, 2017 at 12:25 PM

Subject: COMPLAINT regarding Unlawful approval of AGENDA items at December 18,2017 City Council meetinh

To: Barbara <ainparker@yahoo.com>, bparker@oaklandcityattorney.org

Cc: LReid <LReid@oaklandnet.com>, Abel Guillen <aguillen@oaklandnet.com>, acampbellwashington@oaklandnet.com, Dan Kalb <dkalb@oaklandnet.com>, lmcclhaney <lmcclhaney@oaklandnet.com>,

rkaplan@oaklandnet.com, ngallo@oaklandnet.com, "Brooks, Desley" <DBrooks@oaklandnet.com>,

latondas@yahoo.com, Brenda Roberts <cityauditor@oaklandnet.com>, cassie.barner@acgov.org, "Barazoto, Whitney"

<wbarazoto@oaklandnet.com>, "Dalju, Milad" <mdalju@oaklandnet.com>

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[Quoted text hidden]

Gene Hazzard <genehazzard@gmail.com>
To: "Munson, Michael" <MMunson@oaklandnet.com>

Sun, Dec 24, 2017 at 12:26 PM

----- Forwarded message -----

From: **Gene Hazzard** <genehazzard@gmail.com>

Date: Sun, Dec 24, 2017 at 12:25 PM

Subject: COMPLAINT regarding Unlawful approval of AGENDA items at December 18,2017 City Council meetinh

To: Barbara <ainparker@yahoo.com>, bparker@oaklandcityattorney.org

Cc: LReid <LReid@oaklandnet.com>, Abel Guillen <aguillen@oaklandnet.com>, acampbellwashington@oaklandnet.com, Dan Kalb <dkalb@oaklandnet.com>, lmcclhaney <lmcclhaney@oaklandnet.com>,

rkaplan@oaklandnet.com, ngallo@oaklandnet.com, "Brooks, Desley" <DBrooks@oaklandnet.com>,

latondas@yahoo.com, Brenda Roberts <cityauditor@oaklandnet.com>, cassie.barner@acgov.org, "Barazoto, Whitney"

<wbarazoto@oaklandnet.com>, "Dalju, Milad" <mdalju@oaklandnet.com>

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[Quoted text hidden]

Gene Hazzard <genehazzard@gmail.com>
To: BAVillage2012 <BAVillage2012@gmail.com>

Sun, Dec 24, 2017 at 12:26 PM