

City of Oakland
Public Ethics Commission

For Official Use Only

Stamp Date/Time Received:

2005 AUG 31 P 4: 16
PUBLIC ETHICS COMMISSION
OAKLAND

COMPLAINT FORM

Complaint Number: 05-09

Please Type or Print in Ink and Complete this Form.

This complaint concerns a possible violation of: (please check all that apply)

The Oakland Sunshine Ordinance, California Public Records Act or Brown Act. (Access to public meetings or documents.)

Oakland Campaign Reform Act

Oakland City Council's Rules of Procedure/Code of Ethics

Oakland Limited Public Financing Act

Oakland Conflict of Interest regulations

Oakland Lobbyist Registration Act

Oakland False Endorsement In Campaign Literature Act

I am/We are not sure which specific law, ordinance or regulations apply. However, I am/We are requesting that the Ethics Commission determine if

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my/our complaint is within its jurisdiction.

The alleged violation occurred on or about the following date(s)

July 18 and July 19, 2005. Also, the period covering July 6 through July 15, 2005.

The alleged violation occurred at the following place:

Oakland City Hall

Please provide specific facts describing your complaint. (Or attach additional pages as necessary.)

See attachments #1 and #2

The persons you allege to be responsible for the violation(s) are:

Ignacio De La Fuente	Jean Quan
Henry Chang	Pat Kernighan
Jane Brunner	

Any witnesses who were involved and/or who can provide additional information are: (Please indicate names and phone numbers, if available.)

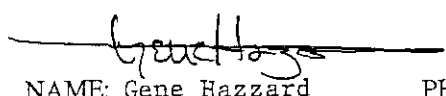
Possible witnesses:

Nancy Nadel, 510.238.7303
Desley Brooks, 510.238.7006
Jerry Brown, 510.238.3141
Al Auletta, 510.238.3752
Roland Smith, 510.238.7604
Gay Plair Cobb, 510.768.4411

PLEASE NOTE:

There may be other laws that apply to the violation(s) you are alleging. The time limit to commence a legal proceeding to enforce those laws may not be extended by filing this complaint. You should contact an attorney immediately to protect any rights available to you under the law.

By filing this complaint with the Public Ethics Commission it, and all other materials submitted with it, becomes a public record available for inspection and copying by the public.



NAME: Gene Hazzard PHONE NO.(Day): 510 ~~693.6526~~

ADDRESS: 282 Adams St., #6 PHONE NO.(Eve.): (510.418.0501 (cell))

CITY: Oakland STATE: CA ZIP: 94610

ATTACHMENT 1

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Date 11-7-05
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Attachment 1

This complaint alleges violations of the Brown Act and Sunshine Ordinance as follows:

1. Improper Posting/Noticing of Agenda Item: On July 19, 2005, six City Council members voted on a substitute resolution on Item # 16 ("A Resolution Authorizing the City Administrator to Implement the Actions of the Oakland Workforce Investment Board.") The amended resolution, which differed substantially from the original resolution, was an attempt to subvert the federally-prescribed process governing job training funds by redirecting \$600,000 to two organizations which did not apply for the funding. It should be noted that this "amended" resolution was not properly noticed so as to provide the public with an opportunity to know and possibly comment on the contemplated action. Those voting in the affirmative were: Ignacio De La Fuente, Henry Chang, Jane Brunner, Jean Quan, Patricia Kernighan and Larry Reid.

The above action violates the City of Oakland's Amended Sunshine Ordinance, Section 2.20.080.

2. Serial Meetings: Prior to the July 19 City Council meeting, a series of private meetings took place to line up support for Council Member De La Fuente's plan to divert \$600,000 in job training funds to two faith-based organizations, presumably in return for their support of his mayoral bid. (Under federal law, such action is not allowable for a variety of reasons, including the illegal abrogation of the authority of the Workforce Investment Board.)

Without prior consultation with each other, it is highly unlikely that the City Council members, listed above, would have come to independent conclusions to support an action which differed to such an extreme from the original, posted resolution. Aside from this "common sense" observation, I offer the following as further evidence:

- a. On the afternoon of 7/18, Ignacio De La Fuente and Jane Brunner met with Mayor Jerry Brown and Al Auletta, staff to the WIB, to discuss De La Fuente's diversion of funds proposal;
- b. On the afternoon on 7/19, prior to the closed session of the City Council, De La Fuente met with Jean Quan and Patricia Kernighan in the City Council Offices. I believe that the purpose of this meeting was to gain their support of the alternative resolution;
- c. Please see **Attachment 2**, "Henry's motion - 7/19/05," remarks which were prepared for Henry Chang to read at the 7/19 meeting. These remarks which Chang did, in fact, read, clearly indicate prior collusion with the actions described above. Please note, in particular, the direction to Chang: "Henry, you don't have to say anything about the City Auditor's report because other people will." Without prior and improper consultation with each other, how could Chang's scriptwriter have known that "other people will?" [Note that the City Auditor's report, also not properly noticed in accordance with the Brown Act/Sunshine Ordinance, was discussed in conjunction with Agenda Item #16.] The authenticity of this document is evident as Chang's own handwriting appears throughout.

The above actions constitute a violation of the Brown Act and perhaps other statutes/ordinances as well.

Tuesday, July 19, 2005
Oakland City Council

Item 16: Oakland Workforce Investment Board

Motion:

Amend the Workforce Investment Board's proposal by re-allocating the funding for the One Stop Career Centers in the following manner:

	WIB Recommendation	Tonight's Motion
Private Industry Council	\$1,900,000	\$1,325,000
Allen Temple	\$ 25,000	\$ 300,000
Acts Full Gospel	\$ 0	\$ 300,000

We are distributing 50 copies of the following documents which should be incorporated into the Motion:

- Detailed summary of the funding changes
- Memorandum of Understanding (M.O.U.) between Private Industry Council (P.I.C.) and Acts Full Gospel
- M.O.U. between P.I.C. and Allen Temple

ATTACHMENT

2

One-Stop Service Providers	05-06 WIB Allocations and new client service goals					Proposed 05-06 Revision				
	Allocation	Walk-In ("Universal") Job Search Clients	Enrolled ("Intensive") Clients	Cost per Walk in Client	Cost per Enrolled Client	Allocation	Walk-In ("Universal") Job Search Clients	Enrolled ("Intensive") Clients	Cost per Walk in Client	Cost per Enrolled Client
• Downtown Comprehensive One-Stop (PIC)	\$1,900,000	2,550	225	\$152	\$4,222	\$1,325,000	1,775	154	\$155	\$4,302
• East Oakland Comprehensive One-Stop (PIC)		3,700	0				2,500	0		
• Assets Program	\$150,000		35		\$4,286	\$150,000		35		\$4,286
• Unity Council Affiliate	\$300,000	1,000	48	\$150	\$3,125	\$300,000	1,000	48	\$150	\$3,125
• Lao Family Affiliate	\$200,000	400	32	\$250	\$3,125	\$200,000	400	32	\$250	\$3,125
• English Center Affiliate	\$100,000	200	40	\$250	\$1,250	\$100,000	200	40	\$250	\$1,250
• Merritt College Affiliate	\$0	150		\$0		\$0	150		\$0	
• Allen Temple Satellite	\$25,000	0	0			\$0	0	0		
• RTTC One Stop	\$25,000	0	0			\$25,000	0	0		
• Proposed Allen Temple One-Stop						\$300,000	1,000	48	\$150	\$3,125
• Proposed Acts Full Gospel One-Stop						\$300,000	1,000	48	\$150	\$3,125
TOTAL CAREER CENTER SERVICE GOALS:	\$2,700,000	8,000	380	\$169	\$3,553	\$2,700,000	8,025	405	\$168	\$3,333

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Oakland One Stop Career Center Partnership
(Hereinafter "Partnership")

MEMORANDUM OF UNDERSTANDING
between

The Oakland Private Industry Council, Inc (PIC) and the Allen Temple Housing and Economic Development Corporation (ATHEDCO).

This agreement sets forth the roles and responsibilities of the parties listed above (hereinafter "Partners") involved in the implementation of this MOU.

The services to be provided by the partnership under this agreement shall hereinafter be called "The Program".

The Program will have the following goals for Affiliate One Stop Career Centers:

- (1) To assist job-seekers with conducting a meaningful, self-directed or minimally staff-assisted job search,
- (2) To provide facilities in which this job search will occur,
- (3) To provide appropriate referrals for services which cannot be provided on site,
- (4) To provide adequate staff attendance at System training activities,
- (5) To participate in client tracking data collection as agreed to by all parties,
- (6) To participate in shared leadership/governance activities as determined desirable and necessary by the Partnership,
- (7) To participate in joint resource development as determined desirable by the Partnership,
- (8) To participate in joint program development as determined desirable by the Partnership,
- (9) To enroll and serve no fewer than 40 clients into Workforce Investment Act (WIA) funded adult programs.

Private Industry Council
Gay Plair Cobb

ATHEDCO
signatory

Note: ATHEDCO began by providing low/no cost programs to individuals involved in criminal justice system with the goal of reducing recidivism through affordable treatment programs. Today, ATHEDCO provides a comprehensive range of employment services.

ATTACHMENT 2

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ITEM: 16
ORA/COUNCIL

Oakland One Stop Career Center Partnership
(Hereinafter "Partnership")

MEMORANDUM OF UNDERSTANDING
between

The Oakland Private Industry Council, Inc (PIC) and the Acts Full Gospel Church/Men of Valor Academy.

This agreement sets forth the roles and responsibilities of the parties listed above (hereinafter "Partners") involved in the implementation of this MOU.

The services to be provided by the partnership under this agreement shall hereinafter be called "The Program".

The Program will have the following goals for Affiliate One Stop Career Centers:

- (1) To assist job-seekers with conducting a meaningful, self-directed or minimally staff-assisted job search,
- (2) To provide facilities in which this job search will occur,
- (3) To provide appropriate referrals for services which cannot be provided on site,
- (4) To provide adequate staff attendance at System training activities,
- (5) To participate in client tracking data collection as agreed to by all parties,
- (6) To participate in shared leadership/governance activities as determined desirable and necessary by the Partnership,
- (7) To participate in joint resource development as determined desirable by the Partnership,
- (8) To participate in joint program development as determined desirable by the Partnership,
- (9) To enroll and serve no fewer than 40 clients into Workforce Investment Act (WIA) funded adult programs.

Private Industry Council
Gay Plair Cobb

Acts Full Gospel/Men of Valor
Bishop Bob Jackson

Note: Acts Full Gospel Church/Men of Valor Academy (Acts Full Gospel) currently helps integrate paroled men into the mainstream work environment by providing anger management and counseling, GED curriculum training and testing, and vocational training and job placement. As a One-Stop Center, Acts Full Gospel will expand their services to include the Program above.

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ATTACHMENT 2

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ORA/COUNCIL
JULY 19, 2005

16

Subject: Oakland Workforce Investment Board

From: Community and Economic Development Agency

Recommendation: Adopt A Resolution Authorizing The City Administrator To Implement The Actions Of The Oakland Workforce Investment Board As Follows: 1) To Negotiate And Enter Into A Memorandum Of Understanding With The Oakland Private Industry Council, Inc. For Up To Three Years To Serve As The Oakland Workforce Investment Board's (Oakland WIB) System Administrator With An Operating Budget Not To Exceed \$1,300,000 For Fiscal Year 2005-2006; 2) To Enter Into A Memorandum Of Understanding With The Oakland Private Industry Council, Inc. For Up To Three Years To Serve As The Oakland WIB's One Stop Career Center Operator With An Operating Budget Not To Exceed \$1,900,000 For Fiscal Year 2005-2006; And 3) To Authorize The Disbursement Of Additional Funds To The Oakland Private Industry Council, Inc. Under The Following Conditions: A) For Subcontracts With Adult And Youth Service Providers As Directed By The Oakland WIB; B) For The Delivery Of Support Services And Training For The Direct Benefit Of Job Seeker And Business Clients; And C) For The Implementation Of Other Grant Agreements And Programs For Which The Oakland Private Industry Council, Inc. Acts As System Administrator On Behalf Of The Oakland WIB (05-0470)

A motion was made by Councilmember Chang, seconded by President of the Council De La Fuente, that this matter be Not Adopted. The motion carried by the following vote:

Votes:

ORA\Councilmember Noes: 2 - Councilmember Nadel and Councilmember Brooks

ORA\Councilmember Ayes: 6 - Vice Mayor Brunner, Councilmember Kernighan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Councilmember Chang

The following individual(s) spoke in favor of this item:

- Dan Siebel
- Gene Hazzard
- Eddie Dillard

The following individual(s) spoke against this item:

- Enitan Adesanya
- Art Scott

The following individual(s) spoke and indicated a neutral position on this item:

- Monsa Nitoto

The following individual(s) spoke and did not indicate a position on this item:

- Michail Kilian
- Bishop Bob Jackson
- Gild Gonzales
- Greg Hodge
- Frank Tucker

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ATTACHMENT 3

Agency/Councilmember Chang made a motion, seconded by Council President De La Fuente, to not adopt the resolution on Item 16 and to approve funding to the Oakland Private Industry Council at \$1,325,000; funding to the Allen Temple and Acts Full Gospel at \$300,000 for each organization; execution of the attached Memorandum of Understanding between the Oakland Private Industry Council and Acts Full Gospel; and the Memorandum of Understanding between the Oakland Private Industry Council and Allen temple; and to direct staff to return with a resolution consistent with this motion and consistent with the City Attorney's opinion on the City Council's authority to change the WIB recommendations, and upon call of the roll, the motion passed by Ayes: Agency/Councilmember: Brunner, Chang, Reid, Quan, Kernighan and President of the Council De La Fuente -6, Noes, Brooks, Nadel - 2

S-15.1

Subject: Oakland Workforce Investment Board Alternatives

From: Community And Economic Development Agency

Recommendation: Adopt One Of The Following Resolutions Regarding The Oakland Workforce Investment Board:

1) A Resolution Authorizing A) A Memorandum Of Understanding With The Oakland Private Industry Council, Inc., (PIC) To Serve As The Workforce Investment System Administrator For Up To Three Years In An Amount No To Exceed \$1,300,000 For Fiscal Year 2005-2006; B) A Memorandum Of Understanding With The Oakland PIC To Serve As The One Stop Career Center Operator For Up To Three Years In An Amount Not To Exceed \$1,900,000 For Fiscal Year 2005-2006; And C) The Disbursement Of Additional Funds To The Oakland PIC For Subcontracts With Adult And Youth Service Providers As Approved By The Oakland Workforce Investment Board, For Delivery Of Support Services And Training For Job Seekers And Business Clients, And For Other Programs For Which The Oakland PIC Acts As System Administrator; Or (05-0688)

Not Adopted

[View Report.pdf](#),

[View Report.pdf](#)

2) A Resolution Authorizing A) A Memorandum Of Understanding With The Oakland Private Industry Council, Inc., (PIC) To Serve As The Oakland Workforce Investment System Administrator For Up To Three Years In An Amount Not To Exceed \$1,300,000 For Fiscal Year 2005-2006; B) A Memorandum Of Understanding With The Oakland PIC To Serve As The One Stop Career Center Operator For Up To Three Years In An Amount No To Exceed \$1,325,000 For Fiscal Year 2005-2006; C) The Disbursement Of Additional Funds To The Oakland PIC For Subcontracts With Adult And Youth Service Providers As Delivery OF Support Services And Training For Job Seekers And Business Clients, And For Other Programs For Which Oakland PIC Acts As System Administrator; And (D) The Issuance Of A Request For Proposals To Provide Services To Formerly Incarcerated Clients In The Amount Of \$575,000 (05-0688-1)

A motion was made by President of the Council De La Fuente, seconded by Councilmember Chang, that this matter be Adopted Council also directed staff to expedite the Request For Proposal (RFP) for the \$575,000 The motion carried by the following vote:

Votes:

ORA\Councilmember Noes: 2 - Councilmember Nadel and Councilmember Brooks

ORA\Councilmember Ayes: 6 - Vice Mayor Brunner, Councilmember Kernighan, Councilmember Quan, President of the Council De La Fuente, Councilmember Reid and Councilmember Chang

The following individual(s) spoke and did not indicate a position on this item:

- Sanjiv Handa
- Barbara Leslie
- Greg Hodge
- Geoffrey Pete

ATTACHMENT 4

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- *Gay Phair Cobb*
- *Bill Paterson (time ceded from Charles Turner)*
- *Kitty Kelly Epstein*
- *Gene Hazzard*
- *Dan Siegal*

The following individual(s) spoke in favor of this item:

- *Tyrone Austin*
- *Douglas Butler*
- *Hakim Lovely*
- *Jeffrey Taylor*
- *Jason Washington*

9 propose to Amend Funding for the ~~One Stop Career Centers~~ -

~~One Stop Service Providers~~

Henry's motion - 7/19/05

Item 16: Workforce Investment Board

Henry, you don't have to say anything about the City Auditor's report because other people will.

This is what you should probably say:

- I would like to make the following motion. I have given copies of the motion to city clerk for distribution.

Remarks: I would like to address the WIB proposal for the "One Stop Career Centers"

- I believe that it is important that the City make it easier for people looking for work to get assistance in their neighborhoods. They should not have to come to Downtown to receive those services.

I believe that it is very important that we increase the number of locations where people can look for jobs, especially in East Oakland because it's such a large geographic area.

Therefore, I would like to provide funding to two churches that have significant experience in helping people to better their lives. Both of these churches have very large congregations with strong leadership. These churches are Allen Temple and Acts full Gospel.

So my motion is to ~~divide~~ ^{amend} the funding for the One Stop Career Centers as follows: \$1,325,000 to the Private Industry Council; \$300,000 to Allen Temple; and \$300,000 to Acts full Gospel.

Note: Alex is making 50 copies for the City Clerk

Item S-64: City Stables

I have high respect for both persons

- Motion - I move to accept the staff report, to release the RFQ by no later than September, to authorize the release of \$128,000 only when we have a signed agreement with a concessionaire, and that the agreement grant a 9 month grace period for the concessionaire to implement an equestrian program for inner city youth.

I have worked closely for many years with many Bishop Bob Jackson & I Alfred Smith: I have high respect for both persons

Item S-10.26CC: Library Grant Application: Recommend YES

- This is a grant that will reimburse Library employees for tuition in their pursuit of Masters Degrees in Library Science

Item S-10.27CC: Digital Resources Grant: Recommend YES

- \$3000 grant for digitizing local historical artifacts

Item S-10.28CC: PASS After School Program Application: Recommend YES

- \$10,000 from the East Bay Community Foundation for the Library's after school tutoring program

Item S-10.29CC: Raise a Reader Program: Recommend YES

- \$10,000 from the Trio Foundation for the City's early literacy program

Item S-10.30CC: All Star Fire Equipment: Recommend YES

- *Note:* This was a noncompetitive contract.

Item S-10.31CC: Concentra Medical Centers: Recommend YES

- Physical fitness assessments for public safety personnel

REGULAR AGENDA

Item 14.1: Robert Bobb Tree Appeal:

- It's in District 6, behind Merritt College

Item 14.2: 40th Street Appeal:

- I called Patrick Ellwood last week and asked him to call me. I also left a message with him this (Monday) morning at work and on his cell phone, letting him know that we wanted him to organize supporters. I also asked him to call me back, which he hadn't as of 1:30pm Monday.

Item 14.7: CAPER: Recommend YES

- Yes, this item is on our chart, which is included in the purple folder.

Item 15.1: WIB:

- The plan is to accept the City Attorney's report and put the \$575,000 out to competitive bid. There is apparently a directive from California EDD which states that the City of Oakland is not in danger of jeopardizing any WIB funding. *Alternative 2* in the packet is this motion

Item 15.2: Billboards:

- The agenda report for this is under *Item 24*.
- Talked with Amanda, and she feels that Nancy will be supportive of option A (looking into amending the General Plan to restrict billboards)—she'll let me know for sure after their staff meetin. The two other options, Option B (negotiate with the Port to alter the Port Area boundary) and Option C

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CITY OF OAKLAND
MORNING SESSION