

Stamp Date/Time Received:

05 FEB 22 PM 3:49

Complaint Number:

05-03

COMPLAINT FORM

Please Type or Print in Ink and Complete Both Sides of 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 my/our complaint is within its jurisdiction.

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

Tuesday, Dec. 21, 2004, during the
Oakland City Council closed session.

The alleged violation occurred at the following place:

Hearing Room 4, 2nd Floor,
Oakland City Hall

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

All 8 members of the Oakland City Council took part
in a closed session discussion regarding City Clerk
Ceda Floyd, which culminated in Mr. Floyd's resignation.
There was one item noticed on the closed session →

(Continued on Reverse Side)

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Please provide specific facts describing your complaint. (If additional space is needed.)

agenda regarding "employee discipline/dismissal/release"

Such closed session harbor ended when the matter became a resignation. All discussion regarding the resignation and compensation of an unrepresented employee was required to be held in open session. City Council did not vote per-21 to disclose in open session any non-confidential information from closed session.

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

All 8 members of the Oakland City Council. The final announced vote was 7-1 (with Delsey Brooks voting nay) on accepting Ms. Floyd's resignation and paying 3rd months salary to her as special, uncontracted compensation.

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

- 1) Deborah Edgerly, City Administrator
- 2) Barbara Parker, an Assistant City Attorney
- 3) other unknown attendees in the closed session.

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: EAST BAY NEWS SERVICE PHONE NO. (Day) (510) 843-
 ADDRESS: PO BOX 11121 PHONE NO. (Eve) () 6397
 CITY: Oakland STATE: CA ZIP: 94611 FAX NO. (510) 217-3480
 Attn: SANTIV HANNA E-MAIL HotNewsNow@adl-
com

PLEASE RETURN THIS FORM TO:

Public Ethics Commission
One Frank Ogawa Plaza, 4th Floor
Oakland, CA 946121

Phone: (510) 238-3593
FAX: (510) 238-3315

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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA 6TH FLOOR • OAKLAND, CALIFORNIA 94612

John Russo
City Attorney

(510) 238-3601
FAX: (510) 238-6500
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**THE OAKLAND CITY COUNCIL AND OAKLAND
REDEVELOPMENT AGENCY WILL HOLD A SPECIAL CLOSED SESSION
ON TUESDAY, DECEMBER 21, 2004 FROM 1:00 P.M. TO 3:30 P.M.
IN CITY HALL, HEARING ROOM 4**

**The City Council will Convene in Open Session Prior to Adjourning
to Closed Session and will Report Out Any Final Decisions in
City Council Chambers during the City Council Open Session Meeting Agenda**

**1. Conference with its City Attorney pursuant to California Government Code Section
54956.9(b)(1) regarding:**

Anticipated Litigation in five (5) matters

**2. Conference with its City Attorney pursuant to California Government Code Section 54956.9
(a) regarding:**

- a) Hagen v. City of Oakland
Alameda County Superior Court No. 841695-7
- b) Pacific Gas and Electric v. City of Oakland
Alameda County Superior Court No. 792669-3
- c) People of the State of Cal. Ex rel. Bill Lockyer v. Dynegy, Inc. et al
(Wholesale Electricity Anti-Trust Cases) United States District Court Case No. CV 02-1854 VRW
- d) Sharon Stewart v. City of Oakland
U.S. Northern District Court Case No. 03-5800 (CRB)

ATTACHMENT 2

Honorable President Ignacio De La Fuente
and Members of the City Council
Closed Session Agenda
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3. Conference with its real estate negotiators pursuant to California Government Code Section 54956.8 regarding:

PROPERTY: 1728 SAN PABLO AVENUE (FORMER CAL-ARTS BUILDING)

AGENCY NEGOTIATORS: Daniel Vanderprien
Frank Fanelli
Hamid Ghaemmaghani
Daniel Rossi

NEGOTIATING PARTIES: Silver Sound Inc. (Parviz Poustinchian)

UNDER NEGOTIATION: Price and Terms of Payment for Sale of Real Property

4. Conference with labor negotiators pursuant to Government Code Section 54957.6 regarding:

(a) EMPLOYEE ORGANIZATION: International Association of Firefighters, Local 55

NEGOTIATORS: Deborah Edgerly
Carol Stevens

5. Pursuant to Government Code Section 54957:

(a) Public Employee Dismissal/Release •

Respectfully submitted,

JOHN A. RUSSO
City Attorney

ATTACHMENT 2

CLOSED SESSION REPORTING OUT FORM

Date of Meeting: *Tuesday, December 21, 2004 at 1:00 p.m.*

The Council made a final decision in Closed Session on one Personnel matter

NAME OF CASE: PUBLIC EMPLOYEE: DISMISSAL/RELEASE

This matter is listed on the agenda under Item 5

Pursuant to City Charter section 402, the City Council accepted the City Clerk's resignation and in recognition of her nearly 30 years of service to the City, authorized approximately 3.5 months of compensation.

Motion Made by: Councilmember Reid

Motion Seconded by: Councilmember Chang

7 Ayes: Brooks Brunner Chang Nadel Quan Reid Wan President De La Fuente =

1 Noes: Brooks Brunner Chang Nadel Quan Reid Wan_ President De La Fuente =

Absent: Brooks Brunner Chang Nadel Quan Reid Wan President De La Fuente =

Abstentions: Brooks Brunner Chang Nadel Quan Reid Wan President De La Fuente =

ATTACHMENT 3

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