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City of Oakland

Public Ethics Commission

Stamp Date/Time Received:

RECEIVED
 PUBLIC ETHICS COMMISSION
 AUG 30 2004

COMPLAINT FORM

Complaint Number: 04-02

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

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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)

January 28th from 5 to 9PM

The alleged violation occurred at the following place:

1025 2nd Ave
OUSD

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

attached

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

Superintendent Ward

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

Judith Offer - 465-8775

Patricia Durham

The Oakland School Board + school community

Jonah Zern

PLEASE NOTE:

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

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

NAME: Pamela Drake PHONE NO. (Day): (510) 834-9198

ADDRESS: 4133 Balfour Ave PHONE NO. (Eve.): (510) 834-9198

CITY: Oakland STATE: CA ZIP: 94610

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E-MAIL: pamelad205@mac.com

PLEASE RETURN THIS FORM TO:

Public Ethics Commission
One Frank Ogawa Plaza, 4th floor
Oakland, CA 94612

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

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ADMINISTRATOR, MAY

I. Public Comments on All Special Meeting Agenda Items

J. New Business

04-0002 Public Hearing - Proposal to Close Schools 2004/5 School Year

Public Hearing - Resolution No. 0304-0114 - Plans for Proposed School Closures for the 2004-2005 School Year regarding the following schools at the following hour, 1/28/04:

- 5:00 P.M. - Burbank Elementary
- 6:00 P.M. - Foster Elementary
- 7:00 P.M. - Longfellow Elementary
- 8:00 P.M. - John Swett Elementary
- and
- 9:00 P.M. - Toler Heights Elementary

Legislative History

1/8/2004	State Administrator and /or Board of Education	Hearing Held and Closed
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04-0110

Proposal to Close Schools 2004/5 School Year

Adoption by State Administrator on behalf of District of Resolution No. 0304-0114 - Plans for Proposed School Closures for the 2004-2005 School Year regarding Burbank Elementary, Foster Elementary, Longfellow Elementary, John Swett Elementary and Toler Heights Elementary Schools, respectively.

Attachments WEBxtender

04-0111

E-Rate Year 7 - Application and Award of Bids

Approval of and authorization by State Administrator to submit to the Federal Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) the District's Year 7 application seeking approximately \$8,822,171.95 in E-Rate funds for Fiscal Year 2004-2005; further authorizing and appropriating a separate required District match of up to \$980,241.33 from non-General Purpose Funds; further authorizing Award of Bid and Agreement with the following vendors: Aeko Consulting for Groups 1 and 2 schools identified in the RFP for a cumulative amount not to exceed \$2,198,266.63 and with JDL Technologies, Inc., for Groups 3, 4, 5, 6 and 7 schools identified in the RFP for a cumulative amount not to exceed \$7,604,146.65, subject to approval of all or a portion of the funding application by SLD and a further determination that the projects do not conflict with the interests of the District ; and further authorizing

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From Wednesday, January 28th

Last night I attended the Oakland School Board Meeting (or whatever we're calling it these days). I was met again with a large show of police force and no little amount of intimidation. School security and police officers straddled the steps. It was not apparent that you were able to enter at all. I went around them successfully and found at least a half dozen OPD officers immediately inside filling up the hallway.

I asked the officer in charge why such a large force was needed. He said he probably needed more and had I seen what had happened at the last meeting. I said I had and there had been no incident. He told me that they were required to enforce the fire safety laws (or something to that effect). I asked him why folks were not allowed to stand in the halls as they always had in the past when the room filled up. He felt that there were already too many people in the halls. At the time, most of people in the halls were TV reporters and cameramen. He commented that if there were an emergency, a gurney would not be able to get through. So I'm guessing that next the press may be excluded for causing a hazard.

I made my way to the meeting hall. There was an officer blocking the door. He said that the room was not yet open. Dan Siegel was coming down the stairs from the Closed Session. He asked Ward if the meeting room could be opened to the public now. But when I tried to enter, I was asked who I was. He then told me that I had to have a ticket. I was unable to locate the ticket "vendor". A teacher from Burbank School came up to me and got me to the lady giving out the tickets. She asked me if I were a Burbank teacher or parent and the teacher said that I was; so using subterfuge I was able to into an OUSD "public" meeting.

Once in the meeting there were numerous police and security personnel (as there were also in the entire hallway. I asked one guard if her were on overtime and he said yes). The speakers from Burbank were asked to line up at the mike to speak. About 30 folks lined up and spoke very emotionally, many of them children.

As I got up to leave I observed an audience member (whom I know somewhat), almost get into an altercation with an officer apparently

over handing out flyers. Another officer calmed the first one. I saw that more security was coming in. I also saw an officer from the hallway ask if more citizens could come in. He said no. I watched as numerous people left, but it was still no. I could see the OPD and school security forming a barrier at the top of the stairs. Citizens were being ushered out the side entrance and not allowed back into the hallway. I watched a mother plead with the group of officers to let her take her daughter to the bathroom. They escorted her out. I shifted myself to the door and quickly left as an officer attempted to grab me before I could get through.

I was told that the room would be "cleared" before the next school could come in to plead their case. I will be submitting a complaint to the ethics commission on this violation of the Brown Act. If you know of any other witnesses who wish to complain, please notify me. I am outraged and believe that if we do not stop this thwarting of public participation, the flaunting of laws and intimidation will continue to grow. In my opinion, it has already reached an unacceptable level.

Pamela Drake

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