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2013 JUL 22 PM 2:56
CITY HALL

1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of Desley A. Brooks
Councilmember – District 6
e-mail: dbrooks@oaklandnet.com

(510) 238-7006
FAX (510) 238-6910
TDD (510) 839-6451

July 22, 2013

To: President Kemighan and Members of the Council

From: Council Member Desley Brooks

Subject: Response to Motion for Censure

Dear Members of the Council:

I want to start by thanking Councilperson Kemighan for scheduling this item because as a result we were able to obtain copies of documents, which had been requested by The Turner Group, The Black Elected Officials of the East Bay; and the Oakland NAACP. Somehow Ms. Kemighan was able to obtain documents that these individuals and organizations could not. I also want to thank Ms. Kemighan for revealing what I had long suspected that she, the Auditor Courtney Ruby and the Grand Jury only considered and released those documents which supported their version of events. What Ms. Kemighan, Auditor Ruby and the Grand Jury hoped was that you would be so titillated by their salacious allegations that you would not look substantively at the evidence they provided in support of these claims. I'm asking you to prove them wrong; let's look closely at Section 218 of the Charter and their evidence.

Section 218 of the Oakland Charter says:

Section 218. Non-interference in Administrative Affairs. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service for which the City Administrator, Mayor and other appointed or elected officers are responsible, solely through the City Administrator, Mayor or such other officers. Neither the Council nor any Council member shall give orders to any subordinate of the City under the jurisdiction of the City Administrator or such other officers, either publicly or privately; nor shall they attempt to coerce or influence the City Administrator or such other officers, in respect to any contract, purchase of any supplies or any other administrative action; nor in any manner direct or request the appointment of any person to or his removal from office by the City Administrator or any of his subordinates or such other officers, nor in any manner take part in the appointment or removal of officers or employees in the administrative service of the City. Violation of the provisions of this section by a member of the Council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the convicted member.

To violate Section 218 there has to be some action on the part of the offender -- the giving of orders, an attempt to coerce or influence, or an attempt to have an employee removed from their position. Upon close review of their evidence you will see that my involvement is very limited. Typically what is shown is an inquiry from me and communication between staff to which I was not a party. I cannot be guilty willfully violating the Charter where I did not affirmatively act.

Only a judge or a jury can determine if Section 218 has been violated because it is a crime. As such, no one at the city, not Ms. Kemighan, the Mayor, the City Council, the City Administrator, the City Attorney, the Auditor, or the Grand Jury has the authority to determine if a violation has occurred.

Many of the inaccuracies found in the Auditor's report can be found in the Grand Jury report. I will use the Grand Jury format to respond to both reports. Keeping this in mind, let's look at the evidence.

DACA BACKGROUND

Pulte built DACA in 45 days. They demolished the inside of the building; reframed, replumbed; upgraded the electrical; reconfigured the layout; removed the play structure and parking lot; planted new sod and landscaping; installed a new gate; reconfigured the facade; painted the exterior; installed a new gate around the facility; installed new sidewalks. All this work was done in this timeframe to comply with Rebuilding Together's National Reveal Day.

Knowing that the timeline was faster than the city would ever move on any project, the first call I made was to then City Administrator Dan Lindheim. I advised Mr. Lindheim of the time constraints and asked him if we would be able to take advantage of the opportunity. He asked then CEDA Director Walter Cohen to pull together the necessary staff to meet at the site to see if this was possible. This was in late February beginning of March 2010.

Staff advised us that Pulte could roll a facade improvement project into the donated project. We could pay for the facade project with facade redevelopment grant or a Neighborhood Project Improvement grant as there were already monies that had been allocated to the Teen Center.

Having no reason to doubt the information provided by staff, Pulte started construction on March 9, 2010. (See date on email from Larry Gallegos dated March 8, 2010 attached hereto as Exhibit "C"). The project was completed by April 24, 2010. Pulte tracked their expense and followed the process that staff had previously outlined for them.

It wasn't until February of 2011, that staff advised Pulte that there was a change in the requirements for payment. This is almost a year after completion of the project. (See Doryanna Moreno's email dated February 22, 2011, where she says "Dan now understands that state law prohibited construction contractor employees from providing volunteer labor on the project if the contractors are to be paid" attached hereto as Exhibit "D". See also, Shelly Derensburg's email dated February 25, 2011 attached hereto as Exhibit "E") the project could not be put out to bid because the project had long been completed. Pulte in good faith relied on the information provided by staff; followed staff's direction; spent their money with the expectation that they would be reimbursed.

DACA CONSTRUCTION

Much has been said about DACA being built without a competitive bidding process; but neither the Auditor nor the Grand Jury acknowledge or consider the statement from Pulte Homes, the contractor on the project, which explains why the project was not put out to competitive bid. The statement was included in my document submission for the March 6, 2012 Council meeting. (Pulte's statement is attached hereto as Exhibit "A").

In the statement Pulte makes a number of statements that contradict the conclusions raised by both reports. Specifically, Pulte states:

"Before getting involved with the project, Councilwoman Brooks pulled together a team from the City to plan with Pulte and the Rebuild Together organization".....

"We needed to figure out the scope of what the City wanted done for the project and how we could help. Councilwoman Brooks got a group together to discuss the project."

"We were informed that there was grant money available to cover the costs above and beyond what we were going to donate..."

"If there were no grant funds available, we would have looked at what we could have funded only through donated time and materials."

"Then in May, the city communicated an entirely different direction to us."

“It appeared that Councilwoman Brooks brought all the parties to the table early on in the process to make sure we proceeded in the most appropriate way possible.”

Why did the Auditor and the Grand Jury not review Pulte’s statement? It would be helpful for all involved to understand why the Auditor or the Grand Jury did not include Pulte Homes recitation of the facts regarding the planning and construction of DACA are consistent with mine.

Both reports imply that there was something untoward in using Pulte on this project. I did not know any of the representatives of Pulte or their subcontractors prior to working with them on this project. I received no monetary benefit personally or for my campaign. Other than the pride of building a beautiful facility for deserving young people, I received no personal benefit from the project. I am resubmitting Pulte’s statement for your review. Both reports feign that might have gotten a better deal had the project been competitively bid; nothing could be further from the truth. The City received more than \$300,000 in labor and materials and only paid, two years after the fact, \$151,000.

Councilperson Kernighan submitted documents that were supposed to demonstrate evidence of me negotiating the scope of work for Pulte’s contract. These documents can be found at pages 6 through 13 (Kemighan numbering). (I have attached them hereto as Exhibit “F”). I don’t know if Ms. Santana, Ms. Kernighan, Auditor Ruby and the Grand Jury were intentionally trying to deceive the public but these documents have nothing to do with the Rainbow Teen Center/DACA. Rather, the scope of work referred to is for a staff report on the NPI Program and funding for the Rainbow Recreation Center (the resolution for this item is attached hereto as Exhibit “G”). Moreover, all of the emails on these pages, with the exception of two (2) are not from me, to me, nor am I cc’ed on any of them.

DACA STAFFING

Ms. Kemighan submitted pages 15 to 25 of numerous emails between staff regarding the hiring’s in my office (attached hereto as Exhibit “H”). Not a single one of these emails is to me, from me or cc’ed to me.

My staff made no secret where the employees were going to work. Each and every hire was processed through the Department of Human Resources. Never once did a single person raise an issue with the hires. Moreover, each and every one of my hires was signed off on by the Director of Personnel and the City Administrator.

According to the City Auditor’s report “the potential interference was mitigated through the Administration’s adoption or ratification of the Councilmember’s involvement.” (Page 7 of the Auditor’s report). Each DACA hire was signed-off on by the Personnel Director and the City Administrator. Why did the City Auditor overlook this information? More importantly, why didn’t the Auditor find that there was no interference because the City Administrators ratified the hires?

The Grand Jury at page 38 claims that employees at DACA did not have the required background clearance prior to working with kids. They base this finding on emails. Neither the Grand Jury report nor the Auditor’s report indicate any effort to interview any of the employees who worked at DACA when it first opened. At least four of the current employees were employed at DACA when it first opened. Had they been interviewed each would have said that no one worked with children prior to clearing their background and other checks.

Finally, both reports give the impression that there may have been nepotism or cronyism in the selection of DACA’s staff. They also questioned the qualifications of the staff and the salary at which they were hired. I did not know any of the staff prior to their being hired at DACA. In addition, each one of DACA’s staff is accomplished in their respective field. They have countless awards and recognitions. Each is compensated well below what they could be paid in their profession. They accepted this level of compensation because they believe in the work and they care deeply for the young people they serve. The staff is so exceptional that the Office of Parks and Recreation as late as last week attempted to poach DACA’s staff to work at other facilities.

ARROYO RECORDING STUDIO

Both the City Auditor's report and the Grand Jury report (page 33) raise issues about the building of this recording studio. What both reports fail to state is that I paid for the build-out, equipment and furniture for this studio. I gave \$114,000 from my discretionary funds for the Studio. As such, I was not merely the Council Member, I was also the client.

EQUIPMENT PURCHASE

A multi-page bill from the Guitar Store that bears a stamp that says "CEDA Payment Approval" is submitted as evidence of. The stamp has fill in the blank lines to add the funding code, project, and purchase number, authorized signature among other things. My signature is on the line that says authorized signature. I do not now, nor have I ever, possessed a "CEDA Payment Approval" stamp. A City staff person would have had to provide my staff with the pre-stamped form. My assistant filled out the forms for my signature. Where I made my mistake was that I didn't review the forms and the stamp more closely before I signed the documents.

CONCLUSION

Notwithstanding this process is improper; the language of the Council's Code of Ethics is very specific. The Code of Ethics says at number 12: "by being willing to censure any member who WILLFULLY violates the rules of conduct contained in this Code of Ethics" (attached hereto as Exhibit "J"). To be "willful" one needs to be deliberate or intentional.

To date, no one has produced an email or other correspondence where staff advised me to do something; I refused and undertook a different course of action. Absent such action, there is no showing of "willful" actions on my part. To the contrary, I specifically asked staff to advise us on the process and we followed their direction.

If Ms. Kemighan had such grave concern for the Council's reputation one wonders why she has singled me out. Truth be told what's motivating Ms. Kemighan in this process is purely political. It should be noted that when her political allies, Councilpersons Kaplan and Schaaf participated in activities that violate the charter Kemighan did not suggest the process of censorship. Specifically, she didn't bring a Censure action against Ms. Kaplan when she directed Oakland Police Officers to provide passage to demonstrators (an incident that was widely known); or why she didn't bring an action against Ms. Schaaf who wrote to the City Administrator and advised her that she had instructed staff to develop a costing tool (attached hereto as Exhibit "I"). One would also wonder why Ms. Kemighan doesn't admit her own violations of the Charter when overseeing the drafting and implementation of the Equal Access Ordinance; directing staff not to issue tickets to certain areas; or the renovations of Quickway. When will these matters be scheduled?

BACKGROUND:

Pulte Homes has volunteered and participated for about six/seven years with the Rebuild Together Oakland program. In 2009, for example, our employees helped with an elderly woman's home that needed renovation. In addition to our employees helping with landscaping and general maintenance of this home, we also solicited the help of our contractors to remodel her kitchen and bath, and repair the HVAC. Our employees donated a lot of their time and effort, and we had contractors willing to be a part of this philanthropic endeavor.

In 2010, we wanted to participate again in the Rebuild Together program and do even more for the greater community. That's how we got involved with the Rainbow Teen Center. Before getting involved with the project, Councilwoman Brooks pulled together a team from the City to plan with Pulte and the Rebuild Together organization. We found out that the City of Oakland purchased the 4,000-square-foot building three years ago with hopes of providing a place for recreation and enrichment programs for neighborhood teens. It was a great opportunity for us to help make a difference and really benefit the community.

We needed to figure out the scope of what the City wanted done for the project and how we could help. Councilwoman Brooks got a group together to discuss the project. (Entities at the planning meeting were Pulte, Rebuild Together, City economic development director, senior planners, persons involved with City grants and reimbursements and building department.

We were informed that there was grant money available to cover costs above and beyond what we were able to donate: (about \$130,000), and that key projects would include a teaching kitchen for the kids, music recording studio, computer lab, front elevation, entry area and landscaping. If there were no grant funds available, we would have looked at what we could have funded only through donated time and materials.

We discussed the best way to proceed and how reimbursements would be provided through the City grants. Because this philanthropic effort involved many donations and some additional costs, it was determined that this was not a job that could be bid. We were told bids were not necessary because of the nature of this project. We were told it can't be bid because it is a donated concept with an additional cost, covering contractors cost. The direction provided was for Pulte to act as a general contractor of sorts and manage the process. We tracked costs and invoices and got our trade partners to donate all or most of the cost. The value of what was done is well more than \$300,000 and the expenses for the grant were \$121,000. The Council approved the grant reimbursements last April.

Then in May, the city communicated an entirely different direction to us. We were told that even though people were volunteering their time, that those contractors' employees who worked on the Teen Center needed to be paid the prevailing wage. We reached out to every one of the contractors involved (some of whom were now out of business) and ask them to provide this background detail. The prevailing wage "gap" was determined to be about \$30,000. We were told the City needed to pay these workers directly, even though their time was originally donated.

In Oct/November of last year, we signed an agreement with the City regarding the reimbursement to Pulte and the prevailing wage with contractors. Then, nothing more happened.

QUOTES

The scope of the project was determined by many city officials involved in the planning process. If there were not available grant funds or if we told projects needed to be bid, we would have looked at what we could provide exclusively through donations.

Pulte donated countless hours of management time, employee resources and sweat equity along with the generosity of our trade partners. Every contractor donated something and we all were so proud to provide something very valuable to the community. We got a lot of personal satisfaction in making the vision of the teen center a reality.

It appeared that Councilwoman Brooks brought all the parties to the table early on in the process to make sure we proceeded in the most appropriate way possible.

All these entities came together to put together this outstanding facility for the community. Despite the difficult housing market, our partners' willingness to donate manpower and material enabled us to take on a much larger scope than we dreamed possible. We are now coming up on two years on project completion and what we thought was a great community philanthropic effort is being questioned. It's all so disappointing.

Exhibit "B"

SCOPE OF WORK PERFORMED

Pulte refurbished the back 650 square feet of the building at 5818 International (Rainbow Teen Center). The work included:

- Totally demolishing the interior space;
- Rewired and replumbed the space;
- Reframed and sheet-rocked interior;
- Painted interior and exterior;
- Reconfigured interior space to build culinary kitchen; video studio; recording studio and editing room; office; and bathrooms;
- Redesigned the facade;
- Installed new sidewalks;
- Demolished existing play structure;
- removed asphalt throughout yard area;
- Installed new iron fencing around the perimeter of the yard;
- Installed irrigation system;
- Installed walking paths in the yard;
- Installed landscape and sod.

You replied on 3/11/2010 10:14 AM.

Brooks, Desley

From: Gallegos, Larry
To: Brooks, Desley
Cc:
Subject: FW: Grant agreement.
Attachments:

Sent: Thu 3/11/2010 10:09 AM

City Atty's office is saying if we use our Façade Improvement Program funds for our own public facility we'd need to go through a special Public Hearing process to make the necessary blight findings under the Cooperation Agreement. This would obviously take too much time.



It would be a lot easier and faster if we use our Coliseum NPI funds that have already been approved for this project since we've already gone through that process for those funds. Please let me know if this is okay with you and I will move this forward...

Larry Gallegos (e-mail: lagallegos@oaklandnet.com)

City of Oakland, CEDA- Redevelopment Division

250 Frank Ogawa Plaza, 5th Floor

Oakland, OA 94612

(510) 238-6174 ph.

(510) 238-3691 fax

From: Bill Sadler [mailto:Bill.Sadler@Pulte.com]
Sent: Thursday, March 11, 2010 9:20 AM
To: Gallegos, Larry
Cc: Brooks, Desley; Hunter, Gregory
Subject: RE: Grant agreement.

Larry,

Attached is an estimate for the improvements to the front elevation of the Rainbow Teen Center. Please call me if you have any questions.

Bill Sadler

Land Development Manager

Pulte Homes - Bay Area Division

Office - 925.249.3244

Fax - 925.249.4373

Cell - 925.383.5425

From: Gallegos, Larry [mailto:LGallegos@oaklandnet.com]
Sent: Tuesday, March 09, 2010 10:33 AM
To: Bill Sadler
Cc: Brooks, Desley; Hunter, Gregory
Subject: RE: Grant agreement.

Hi Bill,

Please provide us a line item estimate for the façade project so we can begin to prepare the paperwork for the grant agreement

Thanks,
Larry

Larry Gallegos (e-mail: lagallegos@oaklandnet.com)

City of Oakland, CEDA- Redevelopment Division

250 Frank Ogawa Plaza, 5th Floor

Oakland, CA 94612

(510) 238-5174 ph.

(510) 238-3691 fax

From: Brooks, Dcsley

Larry Gallegos (e-mail: lagallegos@oaklandnet.com)
City of Oakland, CEDA- Redevelopment Division
250 Frank Ogawa Plaza, 5th Floor
Oakland, CA 94612
(510) 238-6174 ph.
(510) 238-3691 fax

From: Brooks, Desley
Sent: Monday, March 08, 2010 3:09 PM
To: Gallegos, Larry; 'Bill Sadler'
Subject: Grant agreement.

Hey Larry:

This is a follow up to our conversation with Bill regarding expenditures for the Rainbow Teen Center Rehab project. As we all agreed Pulte will pay for any expenses and submit an invoice to the City for reimbursement. Can we provide Pulte with a grant agreement to this effect. As I mentioned they are starting the project tomorrow so time is of the essence.

Looking forward to hearing from you soon.

Desley Brooks
Council Member, District 6
City Hall
1 Frank Ogawa Plaza, 2nd Floor
Oakland, CA 94612
(510) 238-7006
(510) 986-2650 (Facsimile)
dbrooks@oaklandnet.com

Keep Making a Difference -- Pay It Forward!

CONFIDENTIALITY NOTICE: This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you have received this communication in error, please notify the sender immediately by email and delete the message and any file attachments from your computer. Thank you.

Exhibit "D"

You forwarded this message on 2/22/2011 9:07 PM.

Brooks, Desley

From: Dan Lindheim [dlindheim@comcast.net]

Sent: Tue 2/22/2011 3:07 PM

To: Brooks, Desley

Cc:

Subject: Fwd: Pulte

Attachments:

Fyi

Sent from my iPhone

Begin forwarded message:

From: "Moreno, Doryanna" <DMoreno@oaklandcityattorney.org>

Date: February 22, 2011 3:04:55 PM PST

To: "Dan Lindheim" <dlindheim@comcast.net>, "Hunter, Gregory" <GHunter@oaklandnet.com>, "Seamans, Daniel" <DSeamans@oaklandnet.com>, "Barnes, Deborah" <DBarnes@oaklandnet.com>

Cc: "Laden, Vicki" <VLaden@oaklandcityattorney.org>

Subject: RE: Pulte

Dan:

I spoke with Dan Seamans, who is handling the contract, and Deborah Barnes about the prevailing wages issue. Dan now understands that state law prohibited construction contractor employees from providing volunteer labor on the project if the contractors are to be paid. Dan provide me and I provided Deborah and Shelley a list of the construction contractors that Pulte intends to pay. Dan S. is supposed to coordinate with Deborah, as well, and her staff will follow up with Pulte and the licensed contractors to construct the labor record (i.e., determine which of their employees provided free labor, how much labor they provided and what they should have been paid).

Dan S., Deborah: Can you provide Dan L. a status on the investigation?

Doryanna M. Moreno

Supervising Deputy City Attorney

Office of the City Attorney

One Frank H. Ogawa Plaza, 6th Floor

Oakland, CA 94612

510.238.3492

510.238.6500 (fax)

-----Original Message-----

From: Dan Lindheim [mailto:dlindheim@comcast.net]

Sent: Tuesday, February 22, 2011 2:15 PM

To: Moreno, Doryanna

Subject: Pulte

Desley wanted to know where the Pulte payment was, Is there new info?

Sent from my iPhone

From: Darensburg, Shelley [mailto:SDarensburg@oaklandnet.com]
Sent: Friday, February 25, 2011 9:05 AM
To: Bill Sadler
Cc: Seamans, Daniel; Gallegos, Larry; Hunter, Gregory; Barnes, Deborah
Subject: Prevailing Wages on Rainbow Recreation

Hi Bill,

This email is a follow up to our telephone conversation this morning regarding prevailing requirements on the Rainbow Recreation Center project. In reviewing the bids and invoices submitted for reimbursement, it appears that bids included labor and that Pulte and/or its subcontractors are being compensated for not only material but labor. The Labor Code does not exempt employees of a licensed contractor from prevailing wages on a so called "volunteer" project if the licensed contractor employer receives payment for the project. Therefore, since Pulte's bids appeared to include labor and it seeks compensation for work at the Rainbow Teen Center, employees of Pulte and any of its subcontractors that provided labor, regardless of whether the employees wished to provide volunteer labor, must be paid prevailing wages.

Labor Code 1702.4 states,

(C) An individual shall not be considered a volunteer if the person is otherwise employed for compensation at any time (i) in the construction, alteration, demolition, installation, repair, or maintenance work on the same project, or (ii) by a contractor, other than a corporation qualified under Section 501 (c) (3) of the Internal Revenue Code as a tax-exempt organization, that is receiving payment to perform construction, alteration, demolition, installation, repair, or maintenance work on the same project.

Please provide the following information for Pulte and each of its subcontractors: 1) a list of their employees that performed labor, volunteer or otherwise, on the Rainbow Teen Center Project, 2) the employees' names, addresses, social security numbers, 3) the dates and hours worked, 4) description of the work performed (work classifications); 5) hourly wage rates for each employee if any were paid, and 6) payroll records for any employees that received compensation.

Your prompt response to this request will expedite Pulte's request for payment.

Thank you.

Shelley

Shelley Darensburg
Senior Contract Compliance Officer
Department of Contracting and Purchasing
250 Frank H. Ogawa Plaza, Suite 3341
Oakland, California 94612
(510) 238-7325
(510) 238-3363 fax
sdarensburg@oaklandnet.com

***"The only tyrant I accept in this world is the still voice within."
- Mahatma Gandhi***

Exhibit "F"

Hi Desley,

Are you okay with the below scope or did you want us to include something else with the new allotment of NPI funds?

Thanks,

Larry-

Larry Gallegos (e-mail: lgallegos@oaklandnet.com)

City of Oakland, CEDA- Redevelopment Division

250 Frank Ogawa Plaza, 5th Floor

Oakland, CA 94612

(510) 238-6174 ph.

(510) 238-3691 fax

From: Parikh, Rupa
Sent: Wednesday, March 17, 2010 3:38 PM
To: Gallegos, Larry
Cc: Soo Hoo, Lily; Schwarz, Alison; Bembry, Rsc; Seamans, Daniel
Subject: RE: Rainbow Rec Center - NPI grant update and response
Importance: High

Larry - I just spoke with Reco. Can you please run this scope by Councilmember Brooks:

\$54,000 in Coliseum NPI funds to redo Gym Flooring, redesign windows on right and left sides of entryway, and pay for new blinds to help with heat management.

These seem to be the current priorities of Parks and Rec. staff but they would rather have us double check with Councilmember Brooks to make sure she agrees.

Thanks,

Rupa

Rupa Parikh, Urban Economic Analyst III
City of Oakland - Redevelopment Division
250 Frank H. Ogawa Plaza, Suite 5313

-----Original Message-----

From: Brooks, Desley
Sent: Wed 3/17/2010 3:54 PM
To: Gallegos, Larry
Cc: Hunter, Gregory
Subject: RE: Rainbow Rec Center - NPI grant update and response

No, I am not okay with this scope. Call me to discuss further.

Desley Brooks

Council Member, District 6

City Hall

1 Frank Ogawa Plaza, 2nd Floor

Oakland, CA 94612

(510) 236-7006

(510) 986-2650 (Facsimile)

dbrooks@oaklandnet.com <mailto:dbrooks@oaklandnet.com>

Keep Making a Difference -- Pay It Forward!

From: Gallegos, Larry
Sent: Wednesday, March 17, 2010 3:49 PM
To: Brooks, Desley
Subject: FW: Rainbow Rec Center - NPI grant update and response
Importance: High

Oakland, CA 94612

Ph: (510) 238.6248

Fax: (510) 238.3691

Note: I am in the office Mon-Wed only.

From: Bembry, Reco
Sent: Wednesday, March 17, 2010 3:26 PM
To: Seamans, Daniel; Parikh, Rupa
Cc: Gallegos, Larry; Soo Boo, Lily; Schwarz, Alison
Subject: RE: Rainbow Rec Center - NPI grant update and response

Hello Team, as you all know, and as is apparent by the work that's already started at the site, Council Member Brooks has a vision, a scope and a private sector match involved with activity at Rainbow Recreation Teen Center and potentially the main recreation facility as well. We at OPR will defer to her existing scope, I again, recommend you contact her directly, my thought initially was to visit the site to at least have a handle of what the site looks like and the location and proximity of both NPI projects and how they might connect to the Prop 84 grant submittal, we've done that portion as a pre-meeting phase, now it's time to kick phase II in gear.

Phase II - meeting with Councilmember Brooks to determine vision and scope.....

I hope this is helpful....

Reco

From: Seamans, Daniel
Sent: Wednesday, March 17, 2010 2:07 PM
To: Parikh, Rupa
Cc: Gallegos, Larry; Soo Hoo, Lily; Bembry, Reco; Schwarz, Alison
Subject: RE: Rainbow Rec Center

Hi, Rupa

I am working on implementing the previous NPI grants, and I have not been determining the unmet needs at the site in a comprehensive way. It seems to me that the proposed scope for additional grants in this funding round should come from the Parks and Rec department, or perhaps from Councilmember Brooks. Reco Bembry is the Parks and Rec person who is in charge of the 5818 International Teen Center and the Rainbow Rec Center, and I think he would be the best person to ask. There is a large Prop 84 grant application pending for both facilities that Ali worked on, so she would know how best to coordinate with that.

Rainbow Rec not Seen Center

When Reco and I were out at the Rainbow Rec Center the facility manager informed us that his most pressing need was for restoration of the gym flooring, and the gym is not covered in the Prop 84 grant proposal, so this might be the best use of the funds at Rainbow Rec Center.

Daniel Seamans

City of Oakland, CEDA Redevelopment

250 Frank Ogawa Plaza, Suite 5313

Oakland, CA 94612-2034

Phone: 510-238-3250

Fax: 510-238-3691

dseamans@oaklandnet.com

From: Parikh, Rupa
Sent: Wednesday, March 17, 2010 1:54 PM
To: Schwarz, Alison; Seamans, Daniel
Cc: Gallegos, Larry; Soo Hoc, Lily
Subject: RE: Rainbow Rec Center

How soon would you be able to get a scope to us? We basically have \$54K that we're willing to give to you if you want it, but we can't do that unless we can justify to the City Attorney's Office and the City Council what the funds would be used for. I have two weeks to finalize the NPI awards and complete the Council Report. Let me know if you guys can come up with a basic scope that the Attorney's can review within that time frame.

Rupa

Rupa Parikh, Urban Economic Analyst III
City of Oakland - Redevelopment Division

250 Frank H. Ogawa Plaza, Suite 5313

Oakland, CA 94612

Ph: (510) 238.6248

Fax: (510) 238.3691

Note: I am in the office Mon-Wed only.

From: Schwarz, Alison
Sent: Wednesday, March 17, 2010 12:03 PM
To: Parikh, Rupa; Seamans, Daniel
Cc: Gallegos, Larry; Soo Hoo, Lily
Subject: RE: Rainbow Rec Center

No. At this time we have a very conceptual plan for both the Rec. center and the Teen Center. A scope would have to be determined.

Ali Schwarz

Project Delivery, Facilities Planning

City of Oakland, Public Works Agency

250 Frank H. Ogawa Plaza, Suite 4344

Oakland, CA 94612

(510) 238-7310

From: Parikh, Rupa

Sent: Wednesday, March 17, 2010 11:30 AM

To: Seamans, Daniel; Schwarz, Alison

Cc: Gallegos, Larry

Subject: RE: Rainbow Rec Center

Dan and Ali:

If we give \$54K to Rainbow Rec. Center from this 2010 Coliseum NPI round, do you know what it would specifically be used on?

Thanks,
Rupa

Rupa Parikh, Urban Economic Analyst III

City of Oakland - Redevelopment Division

250 Frank H. Ogawa Plaza, Suite 5313

Oakland, CA 94612

Ph: (510) 238.6248

Fax: (510) 238.3691

Note: I am in the office Mon-Wed only.

From: Gallegos, Larry

Sent: Wednesday, March 17, 2010 11:09 AM

To: Parikh, Rupa

Subject: FW: Rainbow Rec Center

Fyi..

Larry Gallegos (e-mail: lgallegos@oaklandnet.com)

City of Oakland, CEDA- Redevelopment Division

250 Frank Ogawa Plaza, 5th Floor

Oakland, CA 94612

(510) 238-6174 ph.

(510) 238-3691 fax

From: Seamans, Daniel
Sent: Thursday, March 11, 2010 12:55 PM
To: Schwarz, Alison
Cc: Gallegos, Larry; Bembry, Reco
Subject: RE: Rainbow Rec Center

Hi, Ali

Thanks for sending the plans.

I have 3 questions:

1. When will the City hear about the grant?
2. We have \$40,000 of NPI funds to do minor improvements on the Rec Center, and also NPI funds for the Teen Center. If the City does not get the grant, do you have room in your schedule for the design and construction management of these small improvement projects? I believe we have funding for this.
3. If the grant does come through, can the NPI projects be coordinated and managed with the grant improvements?

Thanks,

Daniel Seamans

City of Oakland, CEDA Redevelopment

250 Frank Ogawa Plaza, Suite 5313

Oakland, CA 94612-2034

Phone: 510-238-3250

Fax: 510-238-3691

dseamans@oaklandnet.com

Hi Daniel,

I believe you are correct. the project in the past has been managed by the Councilmember directly. Do you have a copy of the NPI grant? I can have staff to see what was completed or not and we can work from there. I do remember the windows were suppose to be done and they are not and the tile in the back room is not done to my knowledge. I have cc Reco Sembry on this email who is the General Manager and who will be the contact for your questions.

Please let me know if I can be of further assistance.

Audree

From: Seamans, Daniel
Sent: Wednesday, March 03, 2010 11:47 AM
To: Jones-Taylor, Audree V.
Cc: Gallegos, Larry; Parikh, Rupa
Subject: Rainbow Rec Center

Hello, Audree

I have been assigned to work on implementation of the NPI projects for the Rainbow Rec Center and the 5818 International Teen Center. I would like to check with you to verify what has happened with the FY 2006-7NPI project for the Rec Center.

Am I correct in thinking that the project from FY 2006-7, for \$40,000 to improve the center by adding new tiles and windows and other minor capital investments, has not been implemented?

Thanks for your help,

Daniel Seamans

City of Oakland, CEDA Redevelopment

250 Frank Ogawa Plaza, Suite 5313

Oakland, CA 94512-2034

Phone: 510-238-3250

Fax: 510-238-3691

dseamans@oaklandnet.com

From: Schwarz, Alison
Sent: Thursday, March 11, 2010 10:47 AM
To: Seamans, Daniel
Cc: Gallegos, Larry; Bembry, Reco
Subject: RE: Rainbow Rec Center

Daniel,

I have attached the site plan for the Rainbow Park Expansion and New Teen Center grant application. You should know that Council Member Brooks is in the process of doing some improvements to the teen center that are a bit different from what is on the Teen Center floor layout on this plan. If we get the grant we will be starting from whatever has been completed this spring by Council Member Brooks efforts.

Let me know if you have any questions.

Ali Schwarz

Project Delivery; Facilities Planning

City of Oakland, Public Works Agency

250 Frank H. Ogawa Plaza, Suite 4344

Oakland, CA 94612

(510) 238-7310

From: Seamans, Daniel
Sent: Wednesday, March 03, 2010 5:35 PM
To: Schwarz, Alison
Cc: Gallegos, Larry; Bembry, Reco
Subject: RE: Rainbow Rec Center

Hi, Ali

I just spoke with Reco Bembry about the implementation of the Coliseum Redevelopment Neighborhood Project Initiative (NPI) projects for the Rainbow Rec Center (\$40K) and the 5818 International Teen Center (\$80K). Reco mentioned that you have just finished work on a large Prop 84 grant application for the teen Center. Since any improvements that we undertake with the NPI funds should complement the proposed work for the prop 84 grant it would be useful if you could send me a copy of the plans or the scope of work from the grant proposal, if they are available. Reco and I also wondered if we could involve you in the planning of the NPI funded work, to take advantage of your knowledge of the site and the proposed grant.

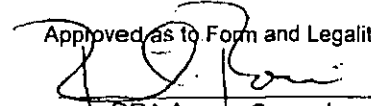
Thanks,

Daniel Seamans

Exhibit "G"

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 APR 15 PM 5:17

Approved as to Form and Legality

ORA Agency Counsel

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

Resolution No. _____ C.M.S.

AGENCY RESOLUTION ALLOCATING FUNDING IN AN AMOUNT NOT TO EXCEED \$180,000 UNDER THE COLISEUM REDEVELOPMENT NEIGHBORHOOD PROJECT INITIATIVE (NPI) PROGRAM FOR (1) ART GARDEN BEAUTIFICATION PROJECT AT PETERSON STREET BETWEEN FORD STREET AND CHAPMAN STREET (2) STREET BANNERS BEAUTIFICATION PROJECT ALONG INTERNATIONAL BOULEVARD IN THE FRUITVALE DISTRICT (3) MURAL BEAUTIFICATION PROJECT AT 1446 HIGH STREET (4) IMPROVEMENTS TO RAINBOW RECREATION CENTER AT 5800 INTERNATIONAL BOULEVARD (5) CORRIDOR BEAUTIFICATION PROJECT ALONG INTERNATIONAL BOULEVARD FROM 67TH AVENUE TO 72ND AVENUE (6) STREET BANNERS AND LIGHTPOLE PAINTING BEAUTIFICATION PROJECT ALONG INTERNATIONAL BOULEVARD IN THE ELMHURST DISTRICT (7) INTERIOR AND EXTERIOR IMPROVEMENTS TO THE EAST OAKLAND BOXING COMMUNITY CENTER AT 816 98TH AVENUE; AND (8) LANDSCAPING IMPROVEMENTS TO SOBRANTE PARK, AND AUTHORIZING A CONTRIBUTION OF AGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$74,000 TO THE CITY UNDER THE COOPERATION AGREEMENT FOR THE RAINBOW RECREATION CENTER AND SOBRANTE PARK IMPROVEMENTS

WHEREAS, the Redevelopment Agency adopted the Coliseum Redevelopment Neighborhood Project Initiative ("NPI") program on July 19, 2005 by Resolution No. 2005-0044 C.M.S. to assist in addressing general blight conditions within the Coliseum Redevelopment Project Area, and allocated \$180,000 as the Agency budget authorization for Fiscal Year 2009-2010 for the program; and

WHEREAS, Coliseum Redevelopment staff reviewed all applications to the NPI program and made recommendations for funding under the program; and

WHEREAS, under the NPI program guidelines, all improvements proposed to be funded by the program must be submitted to the Agency for review and approval; and

WHEREAS, the City of Oakland and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance; and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City-sponsored improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the installation cost or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the City Council is consenting to the use of Agency funding for the improvements to City-owned property under the NPI program pursuant to Section 33445 of the California Health and Safety Code; and

WHEREAS, Redevelopment staff recommends that \$180,000 of NPI program funds be allocated for the following improvements:

- Art garden beautification project at Peterson Street between Ford Street and Chapman Street (\$8,000)
- Street banners beautification project along International Boulevard in the Fruitvale District (\$24,000)
- Mural beautification project at 1446 High Street (\$28,000)
- ~~Improvements to Rainbow Recreation Center at 5800 International Boulevard-~~
(\$54,000)
- Corridor beautification project along International Boulevard from 67th Avenue to 72nd Avenue (\$6,000)
- Street banners and light pole painting beautification project along International Boulevard in the Elmhurst District (\$20,000)
- Interior and exterior improvements to the East Oakland Boxing Association Community Center at 816 98th Avenue (\$20,000)
- Landscaping improvements to Sobrante Park at 470 El Paseo Drive (\$20,000); and

WHEREAS, funding for the improvements identified above will be transferred from Coliseum Operations Fund (9450), Coliseum Redevelopment Organization (88659), Miscellaneous Services Account (53719), Undetermined Project (000000) to projects to be determined; and

WHEREAS, the Agency Administrator requests authorization to make all required expenditures and enter into grant agreements with the project sponsors to implement all the improvements funded by the NPI Program within the project budgets without returning to the Agency for further approval; now, therefore, be it

RESOLVED: That the Redevelopment Agency hereby adopts the recommendations from Redevelopment staff for funding allocations under the Coliseum NPI program and

authorizes funding for those projects identified above in an amount not to exceed \$180,000; and be it

FURTHER RESOLVED: That the Agency hereby authorizes a contribution of \$74,000 in Redevelopment Agency funding from Coliseum Operations Fund (9450), Coliseum Redevelopment Organization (88659), Miscellaneous Services Account (53719), Undetermined Projects (000000) to the City under the Cooperation Agreement for the improvements to the Rainbow Recreation Center and landscaping improvements to Sobrante Park to Oakland Redevelopment Agency Project Fund (7780) in a project to be established; and be it

FURTHER RESOLVED: That the Agency hereby finds and determines as follows:

1. That the funding of improvements to City facilities and public improvements under the NPI Program will benefit the Coliseum Redevelopment Project Area by helping to eliminate physical and economic blight within the Project Area for the reasons set forth in the staff report accompanying this Resolution;
2. That due to the fiscal constraints on the City's general fund and the high number of capital projects and public safety projects competing for limited City funds, neither the City's Capital Improvement Program budget nor other City funds are available to provide financing for the City facilities and public improvements authorized for funding under the Coliseum NPI program, and therefore no other reasonable means of financing these projects is available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the Coliseum Redevelopment Project Area for the above projects is consistent with the implementation plan adopted for the Coliseum Redevelopment Project; and be it

FURTHER RESOLVED: That the Agency Administrator is authorized to negotiate and execute grant agreements with (1) the Jingletown Arts and Business Community, (2) The Unity Council, (3) LBC Associates, (4) Keep Oakland Beautiful, (5) Allen Temple Housing, and (6) East Oakland Boxing Association, or their affiliates, for the above improvement projects; and be it

FURTHER RESOLVED: That the Agency Administrator or his designee is authorized to take any other action with respect to the above projects and the NPI Program consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
CHAIRPERSON BRUNNER

NOES --

ABSENT --

ABSTENTION --

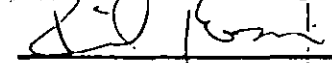
ATTEST:

LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 APR 15 PM 5:17

Approved as to form and legality



Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION ACCEPTING AND APPROPRIATING REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$74,000 FOR (1) IMPROVEMENTS TO THE RAINBOW RECREATION CENTER AT 5800 INTERNATIONAL BOULEVARD, AND (2) LANDSCAPING IMPROVEMENTS TO SOBRANTE PARK AT 470 EL PASEO DRIVE WITHIN THE COLISEUM REDEVELOPMENT PROJECT AREA UNDER THE NEIGHBORHOOD PROJECT INITIATIVE (NPI) PROGRAM

WHEREAS, the Redevelopment Agency adopted the Coliseum Redevelopment Neighborhood Project Initiative ("NPI") Program on July 19, 2005 (Resolution No. 2005-0044 C.M.S.) to assist in addressing general blight conditions within the Coliseum Redevelopment Project Area; and

WHEREAS, all projects proposed to be funded by the program have been submitted to the Agency for review and approval; and

WHEREAS, the City of Oakland and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the Redevelopment Agency has authorized \$180,000 of NPI Program funds for improvements to public and non-public facilities, including \$74,000 for two City-sponsored projects and other funds for improvements to City public improvements; now, therefore, be it

RESOLVED: That the City Council hereby consents to Redevelopment Agency funding

of improvements to City facilities and public improvements in the Coliseum Redevelopment Project Area under the NPI program, and accepts a contribution of \$74,000 in Redevelopment Agency funds under the Cooperation Agreement for the City-sponsored projects below and appropriates such funds to the City repayment account in Oakland Redevelopment Agency Projects Fund (7780), in projects to be established for the following:

- \$54,000 for improvements to the Rainbow Recreation Center located at 5800 International Boulevard;
- \$20,000 for landscaping improvements to Sobrante Park located at 470 El Paseo Drive; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines as follows:

1. That the funding of improvements to City facilities and public improvements under the NPI Program will benefit the Coliseum Redevelopment Project Area by helping to eliminate physical and economic blight within the Project Area for the reasons set forth in the staff report accompanying this Resolution;
2. That due to the fiscal constraints on the City's general fund and the high number of capital projects and public safety projects competing for limited City funds, neither the City's Capital Improvement Program budget nor other City funds are available to provide financing for the City facilities and public improvements authorized for funding under the Coliseum NPI program, and therefore no other reasonable means of financing these projects is available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the Coliseum Redevelopment Project Area for the above projects is consistent with the implementation plan adopted for the Coliseum Redevelopment Project; and be it

FURTHER RESOLVED: That the City Administrator or his designee is authorized to take any other action with respect to the above projects and the NPI Program consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, OB LA FUENTE, KAPLAN KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Hey Audree.

We finally opened the Academy today. We need to have background checks run on the instructors. Tell me what the process is to have this done. Also I want the academy marketed with the other summer camp programs. Let me know what we need to do for this as well.

Thanks.

Desley

Desley Brooks
Vice Mayor
Oakland City Council Member, District 6
City Hall
1 Frank Ogawa Plaza, 2nd Floor
Oakland, CA 94612
(510) 238-7006 (office)
(510) 986-2650 (facsimile)
dbrooks@oaklandnet.com

Keep Making A Difference -- Pay It Forward!

Montrice

Subject: RE: New Hires for Councilmember Brooks Office

Susan,

I received your voicemail this morning concerning what needs to be done on the 6 new hires. Here is what I have so far... The following three can be processed as usual -- they passed their backgrounds:

[REDACTED]
[REDACTED]
[REDACTED]

HR had approved the packets last week and Clara was walking the documents through for signatures last week. As far as I know, these employees would get paid this Thursday if all the hiring documents are submitted to Payroll by today or tomorrow.

For [REDACTED], [REDACTED], and [REDACTED]: these hiring packets were approved for the purpose of getting them paid for the hours they have already worked. Clara was going to walk these through also. However, you will need to coordinate with Payroll on how to best pay them for the hours worked. They should not work any more hours until the results of their backgrounds are known. (OPR estimated that the results might come back sometime this week -- we should check on this on a daily basis.) Of course, if they fail, the background, they would not be allowed to work with the teens, etc. Please see below.

Jason: can you inform Susan / Clara if any of these background results ([REDACTED], [REDACTED], and [REDACTED]) have come in since last Wednesday?

Thanks,
Daryl

From: Look, Daryl
Sent: Wednesday, March 30, 2011 9:03 AM
To: Garzon, Clara; Sanchez, Susan; Mitchell, Jason
Cc: Wright, Lisa D.; Taylor-Lloyd, Michelle; Clay, Joyce F.; Walsh, Kip
Subject: RE: New Hires for Councilmember Brooks Office

Hi Clara,

Thank you for hand-carrying the documents through the Budget Office and CAO for signatures for [REDACTED], [REDACTED], and [REDACTED].

Update: I spoke with Payroll this morning (3/30) -- they informed me that if they receive all the documents by Monday (4/4) or Tuesday (4/5) of next week, they should be able to get them into the system on time to get them paid during the regular payroll cycle (Payday is on Thurs, 4/7).

However, keep in mind that these three have not yet passed their background check and should not be working additional hours until the results are available and they have passed.

Jason: Is it possible for you to provide an update on these backgrounds each day next week?

Finally, your office will need to work directly with the Payroll Department to determine how to best pay these individuals for the hours worked should 1) any of them fail their background or 2) the results of the background check not be available

Fax: (510) 238-6129
cgarzon@oaklandnet.com

From: Mitchell, Jason
Sent: Tuesday, March 29, 2011 10:16 AM
To: Look, Daryl; Garzon, Clara
Cc: Wright, Lisa D.; Taylor-Lloyd, Michelle; Sanchez, Susan; Clay, Joyce F.
Subject: RE: New Hires for Councilmember Brooks Office

Hello Daryl,

They are being processed / scheduled, we do not have the results as of yet. I don't think the results will be in until next week. We will keep you posted as they clear.

Jason M.

From: Look, Daryl
Sent: Tuesday, March 29, 2011 10:12 AM
To: Mitchell, Jason; Garzon, Clara
Cc: Wright, Lisa D.; Taylor-Lloyd, Michelle; Sanchez, Susan
Subject: RE: New Hires for Councilmember Brooks Office
Importance: High

Hi Clara, Jason,

Any word on the backgrounds for

[REDACTED]
[REDACTED]
[REDACTED]

If we don't hear soon, we may have to find a way to pay these individuals for the time worked, but not have final approval until the background checks are complete.

Thx,
Daryl

From: Look, Daryl
Sent: Monday, March 28, 2011 2:24 PM
To: Mitchell, Jason
Cc: Garzon, Clara; Wright, Lisa D.; Taylor-Lloyd, Michelle; Sanchez, Susan
Subject: RE: New Hires for Councilmember Brooks Office

Hi Jason,

I will process the hiring packets for [REDACTED], [REDACTED], and [REDACTED] immediately.

I don't recall seeing a packet for [REDACTED]

When do you think the results will be in for the following??

[REDACTED]
[REDACTED]
[REDACTED]

Thanks,
Daryl

From: Mitchell, Jason
Sent: Monday, March 28, 2011 1:08 PM
To: Look, Daryl
Subject: RE: New Hires for Councilmember Brooks Office

Hello Daryl,

The following individuals have completed and passed the fingerprinting (live scan) and background test:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]

The others are being processed and their status is still pending.

Thanks,

Jason M.

From: Look, Daryl
Sent: Monday, March 28, 2011 12:08 PM
To: Mitchell, Jason
Subject: New Hires for Councilmember-Brooks Office

Jason,

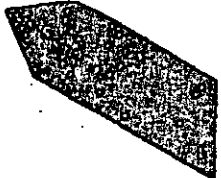
I'm reviewing some documents that were submitted through DHRM today. Can you please confirm if any required background checks have been completed for the following applicants who are going through the hiring process for Councilmember PSE-14 positions? I understand they are going to be working on the "Rainbow Teen Center" which may have exposure to working with youth (as well as other possible Council projects).

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Although these positions appear to be funded out of the City Council Office, it's apparent the employees will be working with and/or around teens, and we want to be sure that all required background checks and protocol is followed

Thank you for your assistance in this matter.

Daryl B. Look
Principal HR Analyst
Department of Human Resources



by early next week. Normally, no hours are worked by employees until background checks are complete and results have been reported.

Thanks,
Daryl

From: Look, Daryl
Sent: Tuesday, March 29, 2011 4:38 PM
To: Garzon, Clara; Mitchell, Jason
Co: Wright, Lisa D.; Taylor-Lloyd, Michelle; Sanchez, Susan; Clay, Joyce F.; Walsh, Kip
Subject: RE: New Hires for Councilmember Brooks Office

Hi Clara,

Given that these three individuals have already worked several times since February, we feel it is critical to pay them for the hours they have already worked.

Thus, we will process the documents for these three today with the hope you can hand-carry the packets through the Budget Office and CAO before getting them to Payroll. However, the status of these three should be monitored very closely as we await the results of the background checks in the next few days / week.

I would advise not having these three work additional hours until you hear back on the results of the background checks. If any of them fail their background, their employment status should change and they should be terminated, or their assignment changed so that they are no longer working with the teens, etc.

Let's check in every day on the status of the background checks until it is clear that they have passed or not. In the meantime, please hand carry the documents through so that the individuals can get paid for the hours worked.

Laurence Jackson
Timothy Quick
Bryan Matheson

Thanks,
Daryl

From: Garzon, Clara
Sent: Tuesday, March 29, 2011 10:35 AM
To: Mitchell, Jason; Look, Daryl
Co: Wright, Lisa D.; Taylor-Lloyd, Michelle; Sanchez, Susan; Clay, Joyce F.
Subject: RE: New Hires for Councilmember Brooks Office

Hi Daryl,

I agree with Jason, the results will probably not be in until next week. My understanding is that Laurence Jackson has yet to set the appointment for screening/fingerprinting. The other two (Bryan Matheson, Timothy Quick) have not been cleared. Thank you all for your help in expediting this.

Clara P. Garzon
Assistant to
Vice Mayor Dossie Brooks
Oakland City Council Office, District 6
City Hall
Frank H. Ogawa Plaza - 2nd floor
Oakland, CA 94612
Office: (510) 238-3971

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Jason: Is it possible for you to provide an update on these backgrounds each day next week?

Finally, your office will need to work directly with the Payroll Department to determine how to best pay these individuals for the hours worked should 1) any of them fail their background or 2) the results of the background check not be available.

While out of scope, this is an example that corroborates testimonies of culture.

[REDACTED]

From: Libby Schaaf <libbyforoakland@gmail.com>
Sent: Tuesday, February 05, 2013 1:24 AM
To: Santana, Deanna; Jordan, Howard; Bolton, Christopher; Stoffmacher, Bruce; Nosakhare, Shereda
Subject: police staffing

My #1 goal for 2013 is to figure out how to get Oakland to 1,000 cops (and adequate civilians to support them) within a reasonable amount of time. As I think you both know, I've asked Donna Hom to develop an excel tool that would allow us to easily cost-out various scenarios. Figuring out costs and the timing of costs will help us identify the gap and make the case to voters and other funders of our need and our plan. But let's not talk about money for now...

It seems that right now, no matter how much money we had, we are not physically capable of hiring up quickly enough. I've heard and believe the adage "quick to hire, quick to fire." We can't rush hiring so much that we compromise on quality. I know in the past we contracted out training with mixed results. At the same time, if we accept the current status quo of being able to run only 2 academies a year, producing only 80 new officers a year, offset by up to 60 officer per year attrition (netting us only 20 officers per year) - we won't get to 1,000 for 19 years -- 2032. Not acceptable.

If we could expand academy size to graduate 45 officers, run 2 and a half a year, and reduce attrition to 3 officers a month, that would net 76-77 officers a year. That would get us to 1,000 in 5 years or 2018. Throw in 1 lateral academy a year of 10, we could get to 1,000 in 4.5 years. That feels a bit better. If you see other feasible scenarios that get us to 1,000 in under 5 years, please tell me. All ideas should be on the table.

So here are questions I'd like answered:

1. What are the roadblocks (besides money) to running more than 2 academies a year? How can we get over them? Once these roadblocks are removed, how many academies can we run a year without compromising the quality of recruits or the quality of training?
2. What are the roadblocks (besides money) to expanding the class size of each academy? How can we get over them? Once these roadblocks are removed, how many recruits could each academy accommodate without compromising the quality of recruits or the quality of training?
3. I've heard in the past that laterals don't always work out for OPD. Are there certain conditions (e.g., salary reductions or layoffs in other jurisdictions) that make conditions better for attracting quality lateral recruits? Do those conditions exist now? How does the NSA affect our ability to recruit quality laterals? Are there other factors that could help in this efforts (PR, targeted recruitment, signing bonus?) Can a lateral academy be done at the same time a regular academy is running without delaying either? What can we do to make lateral hires work better for Oakland?
4. Have we assessed our predicted attrition rate for the coming year? Due to less officers at retirement age, etc. do we have reason to estimate it will go down? Can we do a survey or assessment of the causes of OPD's current attrition rate? Would a DROP program such as they use in LA reduce our attrition and be justified until we reach 1,000 officers? What else can we do to reduce attrition?

City Council Code of Ethics
From Resolution No. 78307 C.M.S.

Each member of the City Council has a duty to:

1. Respect and adhere to the American ideals of government, the rule of law, the principles of public administration and high ethical conduct in the performance of public duties.
2. Represent and work for the common good of the City and not for any private interest.
3. Refrain from accepting gifts or favors or promises of future benefits which might compromise or tend to impair independence of judgment or action.
4. Provide fair and equal treatment for all persons and matters coming before the Council.
5. Learn and study the background and purposes of important items of business before voting.
6. Faithfully perform all duties of office.
7. Refrain from disclosing any information received confidentially concerning the business of the City, or received during any closed session of the Council held pursuant to state law.
8. Decline any employment incompatible with public duty.
9. Refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics or morals of other members of the Council, staff or public, or other personal comments not germane to the issues before the Council.
10. Listen courteously and attentively to all public discussions at Council meetings and avoid interrupting other speakers, including other Council members, except as may be permitted by established Rules of Order
11. Faithfully attend all sessions of the Council unless unable to do so because of disability or some other compelling reason.
- 12. Maintain the highest standard of public conduct by refusing to condone breaches of public trust or improper attempts to influence legislation, and by being willing to censure any member who willfully violates the rules of conduct contained in this Code of Ethics.**