RECVD VIA
EMAIL 1/21/10

City of Oakland

For Official Use Only

Public Ethics Commission

Stamp Date/Time Received:

COMPLAINT FORM

Complaint Number: 10-01

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

ATTACHMENT 1

Item E-2
Date 4/7/10
Page 5 of 14

☐ 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 19, 2010

The alleged violation occurred at the following place:

City of Oakland, City Hall, Council Chambers, One Frank Ogawa Plaza. Persons responsible: The Honorable Mayor Ronald V. Dellums. Note! Please see additional material to be submitted my U.S. Mail.

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

Mayor Dellums did violate his Oath of Office, the "City of Oakland Code of Ethics", his pledge to honor and uphold the State and Federal Constitutions, the Oakland City Charter, and all other laws pertaining thereto, by his action in "pulling" the appointment of Mr. Lorenzo Hoopes to the Paramount Theater Board to be confirmed (voted on) by the City Council at its regular meeting of January 19, 2010. continued -

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

The Mayor's action was unquestionably predicated on Mr. Hoopes involvement and financial support of Proposition 8, (Gay Marriage Initiative). The Mayor's action can only be construed as blatant discrimination, punishment, political black-balling, an attempt to publicly humiliate, abusive intimidation, an attempt at denying him of his religious beliefs and constructively preventing him from exercising - continued -

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

his First Amendment Constitutional rights (but not limited thereto) and in particular, to participate in the political process - to actively support a ballot measure, financially or otherwise, and most importantly, his right to VOTE! All without retaliation, re-prisals or threat of retribution. Witnesses: Oakland City Council Members and all those present at the City Council meeting of January 19, 2010.

ATTACHMENT 1

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: David E. Mix PHONE NO.(Day):(510) [redacted]

ADDRESS: [redacted] PHONE NO.(Eve.):( ) same

CITY: Oakland STATE: C A ZIP: 94611

FAX NO.: ( ) same as phone

E-MAIL:

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

Submit by Email

Print Form

ATTACHMENT I

Item E-2
Date 4/7/10
Page 7 of 14

FILED
OFFICE OF THE CITY CLERK
OAKLAND

09 DEC 22 PM 3:45

CITY OF OAKLAND

CITY HALL • 1 FRANK H. OGAWA PLAZA, 3RD FLOOR • OAKLAND, CALIFORNIA 94612

Office of the Mayor
Honorable Ronald V. Dellums
Mayor

(510) 238-3141
FAX (510) 238-4731
TDD (510) 238-3254

Letter of Appointment

January 5, 2010

The Honorable City Council
One City Hall Plaza, Second Floor
Oakland, CA 94612

Dear President Brunner and members of the City Council:

Pursuant to City Charter section 601, the Mayor has appointed the following persons as members of the following Board or Commission, subject to City Council confirmation:

Paramount Theatre of the Arts Board of Directors

Lorenzo Hoopes, Mayoral reappointment to serve the term beginning October 2, 2009 and ending October 1, 2013, filling the seat he previously held.

Clinton Killian, Mayoral reappointment to serve the term beginning October 2, 2009 and ending October 1, 2013 filling the seat he previously held.

Ed Thomas, Mayoral reappointment to serve the term beginning October 2, 2009 and ending October 1, 2013 filling the seat he previously held.

Rob McKean, Mayoral reappointment to serve the term beginning October 2, 2009 and ending October 1, 2013 filling the seat he previously held.

Thank you for your assistance in this matter.

Sincerely,

Ronald V. Dellums

Ronald V. Dellums
Mayor

ATTACHMENT 1

Item E-2
Date 4/7/10
Page 8 of 14

Item E-2
Date 4/7/10
Page 9 of 14

METRO

InsideBayArea.com | ContraCostaTimes.com

ALAMEDA K-9 UNIT COULD BE BACK SOON: Investigation into dog's attack against officer finds no fault with police procedures. **PAGE A4**

Prop. 8 backer's opposition mounts

■ Reappointment of Paramount Theatre board president scheduled for council consideration Tuesday

By Kelly Rayburn
krayburn@bayareanewsgroup.com

OAKLAND — A prominent Oakland supporter of the initiative that banned same-sex marriage in California who is president of the board overseeing the Paramount Theatre of the Arts is facing mounting opposition as his reappointment to the board is set for consideration by the City Council on Tuesday.

Lorenzo Hoopes, 96, a former president of the Church of Jesus Christ of Latter-day Saints' Oakland Temple, a retired Safeway executive and longtime member of the theater's board, donated $26,000 to 2008's Proposition 8 and was Oakland's single largest individual donor to the measure, records show.

The initiative was approved by 52.3 percent of voters and changed California's constitution so that only marriage between a man and a woman is recognized by the state.

"I think it's outrageous that we would appoint anyone who calls for discrimination and works hard to see discrimination written into California's constitution representing all of Oakland on the Paramount board," said Sean Sullivan, a West Oakland resident and a founding board member of Oakland's Rainbow Chamber of Commerce who is helping lead the opposition to Hoopes' appointment.

Hoopes is currently serving as the 11-member Paramount Theatre of the Arts board of directors' president, what he called a rotating position. The board selects its own members, "subject to the concurrence of the Mayor and the City Council," according to a city report.

Mayor Ron Dellums forwarded Hoopes' appointment, along with the appointments of three others — Clinton Killian, Ed Thomas and Rob McKean — to the council for consideration earlier this month. The council held off on voting the four-year appointments up or down Jan. 5 after Sullivan mentioned Hoopes' donations and fundraising for Prop. 8.

The mayor's office was not aware of Hoopes' Prop. 8 donations when the appointment was sent to the council, spokesman Paul Rose said. Sullivan said he found that "surprising," however, because Hoopes' donations had been reported in the media, and because a coalition of gay and lesbian rights activists have consistently lobbied for greater representation on boards and commissions, including the Paramount's.

Opposition continues to grow. A Facebook group, "The Paramount: No Place for Homophobia," had 25 members as of Sunday.

"I don't think the council is going

See **PROP. 8** *Page 4*

ATTACHMENT

Prop. 8

From Page 3

to approve him," said City Council President Jane Brunner (North Oakland). "I think we were all pretty surprised when we heard about (the donations to Prop. 8). I'm not sure council members think that represents the opinion of a lot of people in Oakland."

The council meets Tuesday at 6 p.m. at City Hall, 1 Frank Ogawa Plaza.

Others say it would be foolish not to approve a 96-year-old man who they call a dedicated community servant. One Paramount board member, who spoke on condition of anonymity due to the brewing controversy, called Hoopes a "tremendously hardworking and an extremely valuable member of the Paramount board" and "a member of the original committee that was formed to save the Paramount from the wrecking ball."

Hoopes said by telephone he was aware opponents were raising the issue of his Prop. 8 support.

"I don't agree with it," he said, "but it's their prerogative."

Hoopes, who was also a member of Oakland's school board from 1960 to 1977, said he's served on the Paramount board for 20 years and was involved in working on the theater, which he called one of the "treasures of the city," for years before that. His support for Prop. 8 was simple, he said.

"I think marriage is a sacred covenant between a man and a woman," he said. "I think marriage is reserved for solemnizing the relationship between a man and a woman."

City Councilmember Larry Reid (Elmhurst-East Oakland) said he disagrees with Hoopes on Prop. 8, but believes he deserves a spot on the board.

"You have to look beyond (Prop. 8)," Reid said. "This is America. No matter how controversial the issue is, someone like him should be appointed based on his ability to serve and based on his past contributions to the city."

That doesn't pass muster with some. Michael Colbruno, a planning commissioner who is active in the local business community and a longtime gay and lesbian rights activist, said the appointment is a "poke in the eye" at a time when the legality of Prop. 8 is being challenged in federal court.

"It's the worst timing," he said. "It's so insulting. It's typical that the gay community in Oakland is being run over by a bus. If this were San Francisco, there would be 300 people in the streets."

Prop. 8 was unpopular in Alameda County with just 38.1 percent voter support. Oakland's elected officials have opposed the measure consistently.

Mayor Dellums officiated a number of same-sex marriages at City Hall before voters passed Prop. 8. His spokesman said the mayor was mulling over whether to ask for the Hoopes appointment to be pulled from consideration.

"We're going to make a final decision on Tuesday on whether or not to move forward," Rose said. "I won't have a definitive answer today or this weekend."

Sean Maher and Josh Richman contributed to this story.

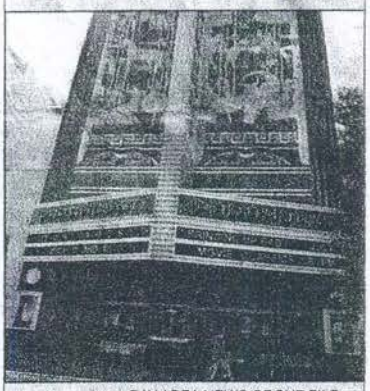
ATTACHMENT 1

Item E-2
Date 4/7/10
Page 10 of 14

IN MORNING REPORT

JAN 20-10

Further review



BAY AREA NEWS GROUP FILE

In response to public criticism, Mayor Ron Dellums' office reconsiders the reappointment of a Paramount Theatre board member and prominent Proposition 8 supporter.

IN MORNING REPORT

BAY AREA

Dellums' vote sends panelist to port board

■ Oakland council had deadlocked on former planning commissioner's new appointment

By Kelly Rayburn
krayburn@bayareanewsgroup.com

OAKLAND — Oakland Mayor Ron Dellums cast a tiebreaking vote Tuesday to send former Planning Commissioner Michael Lighty to the panel that governs the Port of Oakland.

It was the first time in his three years in office that Dellums used his power as mayor to break a City Council tie after he had refused to do so in the past, saying the city's executive and legislative branches should be separate.

Lighty said he was "honored" to received Dellums' public "show of support" after the council deadlocked on 4-4 on confirming his appointment Jan. 5.

"The mayor's vision really is that the port should be a model and that it should have a national reach," Lighty said. "And he's right."

Lighty said in the lead-up to Tuesday's meeting that his planning background would help with the development of the port's portion of the Oakland Army Base, while his administrative background with the California Nurses Association would help the port navigate its budget problems.

He drew support from the Alameda County Central Labor Council and certain business groups, including the Oakland African-American Chamber of Commerce. His appointment was also a victory for leaders of Oakland's gay and lesbian community, who strongly backed the openly gay appointee.

Some of Lighty's strongest supporters — including Sean Sullivan, founding board member of Oakland's Rainbow Chamber of Commerce, and Michael Colbruno, a planning commissioner and past Equality California board member — continued their effort Tuesday to stop the reappointment of Lorenzo Hoopes to the board overseeing the Paramount Theatre of the Arts.

Hoopes, 96, a 20-year member of the Paramount board and prominent figure in the Church of Jesus Christ of Latter-day Saints, was the largest donor in Oakland to Proposition 8, the 2008 state initiative that banned same-sex marriage. He told Bay Area News Group that he does not object to people in same-sex unions receiving "any and all" the same benefits as married couples but said he considers marriage "a sacred covenant between a man and a woman."

Dellums' office on Tuesday pulled an item asking the council to confirm appointments of four Paramount board members, including Hoopes, after the public outcry. The other appointees up for consideration were Clinton Killian, Ed Thomas and Rob McKean.

ATTACHMENT 1

Item E-2
Date 4/7/10
Page 11 of 14

darlinemix@sbcglobal.net

From: <darlinemix@sbcglobal.net>
To: <officeofthemayor@oaklandnet.com>; <citycouncil@oaklandnet.com>; <krayburn@bayareanewsgroup.com>
Cc: <smaher@bayareanewsgroup.com>; <jrichman@bayareanewsgroup.com>
Sent: Tuesday, January 19, 2010 3:49 PM
Subject: Lorenzo Hoopes appointment to Paramont Board

The Honorable Ronald Dellums
and Oakland City Council Members:

Re: Prop 8 Tribune article, January 18, 2010

I am utterly appalled that "pulling" the appointment of Mr. Hoopes to the Paramount Board would be even remotely considered based on his political view (or otherwise) or his support of Proposition 8. There can be no argument that he and all other alike have a Constitutional right to the exercise of free peach and to support his beliefs and convictions. To punish or deprive him of these basic rights by or through a boycott is the epitome of hypocrisy.

It appears that Sean Sullivan, Michael Colbruno, and their ilk only support or favor "Democracy" when it is tailored to their very narrow needs and desires. Furthermore, how Alameda County or the City of Oakland individually voted on this particular issue is of little consequence - neither is an island and neither is about to succeed from the State of California.

We are a Democracy, please respect that.

Respectfully,

David E. Mix

P.S. Please forward this to Mr. Hoopes and others as you see fit.

Item E-2
Date 4/7/10
Page 12 of 14

ATTACHMENT 1

darlinemix@sbcglobal.net

From: <darlinemix@sbcglobal.net>
To: "Purnell, Daniel" <DPurnell@oaklandnet.com>
Sent: Thursday, January 21, 2010 5:52 PM
Subject: Fw: Paramont Board Appointments - Lorenzo Hoopes

Dan, please attach this to the Dellums complaint. The other material I will mail tomorrow.

Dave

----- Original Message -----
From: darlinemix@sbcglobal.net
To: officeofthemayor@oaklandnet.com ; citycouncil@oaklandnet.com ; krayburn@bayareanewsgroup.com
Cc: jrichman@bayareanewsgroup.com ; smaher@bayareanewsgroup.com ; annetaylor@mail.house.gov
Sent: Wednesday, January 20, 2010 4:04 PM
Subject: Paramont Board Appointments - Lorenzo Hoopes

The Honorable Ronald Dellums and City Council Members

Mayor Dellums:

The action of your Office yesterday in pulling the appointment of Mr. Lorenzo Hoopes to the Paramount Board goes far beyond the pale. It is blatant discrimination, no less than what he is being accused of by Mr. Sullivan, Colbruno, and other supporters of gay marriage. It is the worse kind of hypocrisy. To punish, black-ball, or attempt to deny him of his religious beliefs or the exercise of his (or others) Constitutional rights, by or through political muscle and abusive intimidation is abhorrent.

Mr. Hoopes involvement with Proposition 8, as with many other taxpayers and voters was, and is, well within his right (and perhaps, duty) to participate in our political system, he did absolutely nothing wrong. To deprive him (punish, boycott, publicly ridicule or harm in any other way) of this basic constitutional right is despicable - it is to disenfranchise him. It must not, and cannot be tolerated. The adversities and dangers to this path you have chosen to take are clear and unmistakable.

What's next, search out all others who are members of other City of Oakland Boards and Commissions who likewise supported Prop 8 and "expel" those members as well.

Then what? Search out all employees and elected officials of the City of Oakland and terminate their employment with the City for their vote for, or support of Prop 8.

But, why stop there. Why not go throughout the entire City and County (according to Sullivan, the County and City oppose Prop 8) and oust *all* of the residents who voted for or supported Prop 8.

Or, we could return to the McCarthy era of the 1950's, hold congressional hearings to ferret out the offenders (those who may not agree with the rest of us) and black-ball them in obtaining gainful employment and prevent them from participating in their given professions.

Better yet - roust them from their warm beds in the dead of night and truck them all off to death camps - the final solution.

Item E-2
Date 4/7/10
Page 13 of 14

ATTACHMENT 1

World history, including our own Salem "which hunts" of three centuries ago, reeks with unfathomable events of human torture, depravity and persecution (past and present) of those whose only crime or offense was to disagree or harbor another opinion.

We are a nation of laws and live by, *"the rule of law"*. Our system of self governance was established over two hundred yearly ago by the people and for the people, based foremost on the premise and democratic principle that people may disagree, but moreover, have the absolute right to disagree. To disagree or voice a contrary opinion without repercussions, the fear of reprisals, discrimination or punishment of any kind.

And, not just to *tolerate* a right to disagree but as a polite society to respect and accept those in disagreement. A "democracy" is to disagree, without an unfettered acceptance of disagreement or the recognition of the rights of others to hold other or contrary opinions - there simply is no democracy.

Unfortunately, those who speak to diversity, with the pretense of supporting diversity, are the first in line to deny a diverse opinion or action when it happens not to coincide with or agree with their own.

If the situation were reversed, (in another California City where it dramatically leans the other way on Prop 8) it would be no more acceptable or legally permissible, to subtlety bar Sean Sullivan or Michael Colbruno from a City commission or board, based on their beliefs or for their support of gay marriage and or opposition to Prop 8 than it is to deprive Mr. Hoopes, through political incrimination, of his desire to serve the citizenry of Oakland.

Regrettably, by your actions, democracy in our fair City has taken a giant step backward. I respectfully request that your Office reconsider its action.

David E. Mix

Item E-2
Date 4/7/10
Page 14 of 14

ATTACHMENT 1