City of Oakland
Public Ethics Commission

November 1, 2008

COMPLAINT FORM

#1

For Official Use Only

Stamp Date/Time Received:

Complaint Number: 08-13

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)

[x] 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

[ ] 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):

Beginning with the month of August to present

The alleged violation occurred at the following place:

City of Oakland

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

The City of Oakland has failed or refused to provide the public information and copies of documents as requested. (please see attached)

After many phone calls to various departments I was directed by Michelle Abney to contact Fire Marshal LeRoy Griffin. (see attached) A formal public records request was made to Mr. Griffin on September 2, 2008. Mr. Griffin has not to date responded to my request or even

Item E1
Date 4/6/09

ATTACHMENT 1 (Continued on Reverse Side)

1

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

acknowledged receipt of my request. After many phone calls to him and messages, he continues to ignore my request or respond in any way.

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

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: [redacted]

ADDRES[redacted]

CITY: [redacted]

PHONE NO. (Day) (510) [redacted]

PHONE NO. (Eve) ( ) _____

FAX NO. ( ) _____

E-MAIL _____

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

Item E-1
Date 4/6/09
Page 4 of 6

ATTACHMENT 1

darlinemix@sbcglobal.net

From: <darlinemix@sbcglobal.net>
To: <lgriffen@oaklandnet.com>
Sent: Tuesday, September 02, 2008 3:14 PM
Subject: Fw: Public Records Request, Wildfire Assessment District

----- Original Message -----
From: darlinemix@sbcglobal.net
To: lgriffin@0aklandnet.com
Cc: jdedwards@oaklandnet.com ; MAbney@oaklandnet.com
Sent: Tuesday, September 02, 2008 11:34 AM
Subject: Public Records Request, Wildfire Assessment District

Dear Mr. Griffin:

In all due respect to your request that this public records request be made to the City Attorney's Office, the law indicates that it is more properly made to the agency or department which produced the records, controls the records or where they originated. However, a copy of this records request is being forwarded to Michelle Abney as per her request.

In accordance with the California Public Records Act and the City of Oakland Sunshine Ordinance, please provide copies of the following material as it relates to the Oakland Wildfire Prevention Assessment District:

1) All annual, or otherwise, invoices submitted to your department by Francisco and Associates (or other agent) for collection representing the annual assessments for all of the various "public" properties (including the City of Oakland) and or others that are not collected by or through the County of Alameda as part of the regular tax roll.

2) Copies of all the invoices or other billing statements , as referenced above, returned by the party billed indicating proper payment thereof - in other words, "proof of payment".

Please provide the above for all Fiscal Years since the formation of the Fire District in 2004.

3) Copies of any and all agreements, contracts or records of activity, formal or informal, whereby the City of Oakland did or has performed work on parcels owned or controlled by any other public agency assessed in the Fire District;

(a) or, where the City of Oakland has provided any type of service by or through the use of goats or other equipment or machinery to another public agency;

(b) or, any and all records whereby public agencies assessed have performed work or provided service to the City of Oakland in lieu of assessment payments;

(c) or, where the City of Oakland has engaged in any type of joint agreement, operation or service, with other public agencies or land owners for the control of potential wildfires or the suppression thereof.

As always, your attention to this matter is greatly appreciated.

David E. Mix

[redacted]

Item E-1
Date 4/6/09
Page 5 of 6

ATTACHMENT 2

Oakland Fire Department
Fire Prevention Bureau

250 Frank Ogawa Plaza, Suite 3341
Oakland, CA 94612
(510) 238-3851 - VOICE
(510) 238-6739 - FAX

MEMORANDUM

To: Public Ethics Commission
Attn: Daniel D. Purnell, Executive Director
From: LeRoy Griffin, Assistant Fire Marshal
Date: January 29, 2009

Re: RESPONSE TO PUBLIC ETHICS COMMISION COMPLAINT NO. 08-13/ FILED BY MR. DAVID MIX

The following memorandum is in response to the Public Ethics Commission Complaint No. 08-13 dated November 1, 2008 that was filed by Mr. David Mix. In the complaint it was alleged that I failed to respond to Mr. Mix request regarding the invoicing and collection of assessments levied on public lands located within the Wildfire Prevention Assessment District.

The delay in providing the information to Mr. Mix was due to the following;

- Mr. Mix was asking for accounting information that neither I nor my staff has readily available access. When invoices are received from outside agencies it is received by accounts payable. That information as I have learned is in the City's Oracle system. I made contact with the individuals within the Fire Prevention Bureau and Fire Administration, whom I believe may have access to the information for assistance. When I initially spoke with Mr. Mix regarding his request, I informed him at that time that I did not have the information that he requested but would attempt to obtain it.

- That request was forwarded to our City Finance Agency. The materials I sent Mr. Mix were the items that were sent to me by these individuals.

- The delay was not accomplished intentionally by me or my staff. I made several calls to Mr. Mix to inform him that I was working on getting the information to him as quickly as possible. Included is the material I was able to obtain and forward to Mr. Mix.

If you have any further questions or need additional actions please do not hesitate to contact me.

cc: Mark Morodomi, Office of the City Attorney

ATTACHMENT 3