



## AGENDA REPORT

TO: DEANNA J. SANTANA  
City Administrator

FROM: Fred Blackwell  
LaWanna Preston

SUBJECT: RAINBOW TEEN CENTER

DATE: February 24, 2012

City Administrator  
Approval

Date

2/24/12

### RECOMMENDATION

Adoption of a resolution:

- 1) Amending Resolution No. 83165 C.M.S. to authorize an increase in the contract with Pulte Homes, for the construction of the Rainbow Teen Center, by \$30,699 from \$121,000 to \$151,699 to correct and fund prevailing wage costs.
- 2) Appropriating a pro-rated one-time funds for FY 2011-2012 in the amount of \$67,000, from Fund 1550 (OPRCA Recreation Center Operations) to provide staffing of the Rainbow Teen Center with: 1 Recreation Program Director; 1 Recreation Leader II-PPT, 2 Recreation Specialist I-PT, and 0.50 Recreation Specialist II-PT. This appropriation does not include maintenance, utilities, or any other O&M costs which have already been absorbed and on-going funds will need to be identified in the FY 2012-2013 Mid-Year Budget Cycle to keep the Center's operations funded.
- 3) Amending Resolution 83499 C.M.S. for the FY 2011 Annual Action Plan, submitted to the U.S. Department of Housing and Urban Development (HUD) which included the FY 2011 Community Development Block Grant (CDBG) allocations, to assign \$48,000 of \$62,250 earmarked for OCCUR to the Office of Parks & Recreation in order to provide funding for the Rainbow Teen Center, if permissible under CDBG regulations, for expenditures for period July 1, 2011 – June 30, 2013.

### OUTCOME

This report increases a contract award to Pulte Homes (Pulte) that did not include funding for prevailing wage, recommends a funding appropriation to begin the transition of operations of the Rainbow Teen Center (Center) from Council District 6 to City Administration, and recommends the reassignment of CDBG funds allocated to OCCUR to OPR to fund Center expenditures through June 2013. Staff has confirmed that is permissible under CDBG regulations. This report also provides an inventory of operations issues that require administrative action to ensure compliance with policies and laws that have been identified since the Council last considered a retroactive construction contract award for materials and labor with Pulte.

As background, the City Council awarded on January 18, 2011 a retroactive construction contract in the amount of \$121,000 to satisfy an outstanding invoice issued by Pulte for renovation work

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completed at the Center in May 2010 (located at 5818 International Boulevard). Upon that action, the award of a construction contract triggered the requirement of the prevailing wage for which there was uncertainty whether it had been paid or not by staff since this effort had been characterized as donated and/or volunteered work. Acceptance of this recommendation authorizes staff to increase the amount of the construction contract with Pulte for improvements to the Center in the amount of \$30,699. By increasing the construction contract amount, the City will be able to make additional payments directly to laborers that did not receive prevailing wage during the course of their work at the Center and ensure that the City/project is in compliance with state prevailing wage law.

### **BACKGROUND**

The City Council has already determined its intent to award a construction contract (January 2011), albeit retroactive, and this specific City Council report and recommendation is presented because the City is required to comply with state prevailing wage law. This report also provides a summary of existing issues present at the Center and proposes two recommendations for the City Council to consider that, if approved, begin the process of bringing the Center into compliance with various City policies, civil service rules, MOUs, laws, etc. We should note early in this report, the Administration recommends that the Center remain open to the public and continue to offer services as part of the City's inventory of recreation facilities.

### **Scope, Due Diligence and Observations**

The Rainbow Teen Center facility acquisition, construction project, contracting and/or procurement activity happened before the new City Administrator began last August. While we have learned about some of the actions that took place leading to the acquisition and construction of the Center, we cannot confirm that we have a detailed account or full set of facts related to the activities leading to the rehabilitation of the Center. The City Administrator's Office review of this issue demonstrated that there are multiple and conflicting perspectives of what staff believed happened, many individuals hold only partial information (generally of the responsibilities that they support), conflicting facts, or so much time has passed that only partial recollections exist. We do know, however, that both staff and Vice Mayor Brooks signed documents that they should not have, but the supporting reasons do not necessarily reconcile.

In order to provide clarity around the events at question, there are volumes of emails and documents that would require audit review to reconstruct timelines, facts, sequence of events, etc. This is not a good use of City Administrator's Office staff time given other pressing priorities related to the budget and reorganizations that need to take place before July 1, 2012. For this reason, staff did not focus on reconstructing incidents that took place years ago, rather it focused on understanding the management issues that need attention to ensure that these incidents are prevented in the future. Staff notes that if the City Council requires a report on past incidents that the City Council directs the City Administrator to allocate funding for an independent review that includes:

- Allegations regarding contract splitting and the inappropriate use of three Purchase Orders that were proposed to be used for construction work;
- Facts leading to staff signing the three Purchase Orders to initiate payment;
- Facts leading to staff declining to sign off on some documents and staff refusing to issue payment;
- Facts related to the seeking of construction quotes, pricing, and/or bids upon the completion of construction work that are included in the signed Purchase Orders;
- Conflicting accounts of staff involvement, knowledge, agreement, etc;
- Facts related to inappropriate actions on the part of staff or the Vice Mayor;
- Similar concerns, as referenced in the above bullets, regarding the equipment procured from Guitar Center that may have required City Council approval; and,
- Organizational environment factors that result in this activity that require management attention.

The City Council has the prerogative to explore further, but staff does not have the capacity nor in-house expertise to pull together a detailed account of what occurred; however, our review surfaced existing issues that require corrective action. We have focused our review on the existing corrective action needed to ensure compliance with City policies, MOUs, Civil Service rules, ordinances, and the law.

We also have an obligation to report that this review demonstrated several incidents where the Administration should have served the Vice Mayor and public interest better. In our attempt to review emails and reconstruct events related to the past or existing issues, it is clear that some staff did not provide the appropriate guidance in support of processing paperwork requests, nor did they ask about or consider key policy issues, and/or requests were completed without sufficiently considering implications for the City Council to provide legislative direction. Some staff attempted to adhere to City policy by not approving documents or raising issues with the former City Administrator, it is not clear what the outcome of those efforts were at that time. For various unknown reasons and/or varying accounts, staff focused on providing service and responding to requests without, in some instances, considering the bigger picture of violations of policy or setting precedent without the City Council's direction. While the City Administrator has discussed this issue with staff, it is unclear whether similar circumstances have occurred that require similar corrective action or City Council direction—which raises broader concern regarding risk, management, etc. The Administration's goal is to ensure that the City Council is served well by the Administration and that staff feel that they can raise concerns when issues arise—that did not appear to be the case.

More importantly, and certainly the heart of the matter, it is important to note that the outcome of past actions resulted in a premier facility that contains state of the art materials and equipment for residents to use. This facility is located in an area that benefits greatly from this public asset and that fact should not be lost as part of this policy review—it has clearly not been lost during our efforts to resolve this issue. The Administration strongly recommends the allocation of funding to bring the Center into compliance and to keep it open to the public. The Vice Mayor, City Administrator, Assistant City Administrator Blackwell, and Employee Relations Director Preston

have already begun discussions to ensure a successful transition if the City Council approves the staff recommendation.

**Summary of Facility Funding & Establishment**

As reported by staff from the Community and Economic Development Agency in 2007, in order to establish a teen center in Central East Oakland, the City of Oakland purchased a site located at 5818 International Boulevard for \$790,000 plus customary closing costs with 2006 tax-exempt Coliseum Bond Funds (9455) contributed by the Oakland Redevelopment Agency. The use of Agency funds and the purchase of the property were authorized by Redevelopment Agency of the City of Oakland Resolution No. 2007-0068 C.M.S. on July 17, 2007 and Oakland City Council Ordinance No. 12825 C.M.S. on September 18, 2007 [Attachment A].

Given that this building was in dire need of renovation upgrades, staff stated that funds were allocated for the improvement of the property through a series of successive funding rounds of the Coliseum Redevelopment Project Area's Neighborhood Projects Initiative (NPI) Program in Fiscal Years 2006 through 2010. The NPI program utilized funds through the Coliseum Operations Fund (9450).<sup>1</sup> To ensure community input into the NPI program, staff explained that funding allocations were made through the three Service Delivery System (SDS) teams within the Coliseum Redevelopment Project Area. Equal funding was allocated to each of the teams and further allocation of the funds to specific projects was subject to determination by the SDS teams.<sup>2</sup>

The Central East Oakland SDS team allocated NPI funds towards the renovation of the property adjacent to Rainbow Recreation Center to develop what would be called the Rainbow Teen Center. This reflected the high priority that was placed on the creation of such a public facility that would offer local youth a place to gather and participate in youth-oriented programs, activities, and/or services. The total amount of NPI funds that have been allocated to projects (in total) is \$1,020,000. Of this allocation, \$340,000 was allocated to the Central East Oakland SDS Team. Of this amount, \$210,000 was allocated for the Rainbow Teen and Recreation Centers for the following: \$30,000 was used to purchase a new play structure at the Rainbow Recreation Center, and \$180,000 was to be used for improvements for the Rainbow Teen Center.

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<sup>1</sup> Staff reports that the intent of the NPI program was to support the existing network of community-based and merchant organizations by funding neighborhood infrastructure improvement projects in the Coliseum Redevelopment Project Area to eliminate blight and benefit the community when there is no other funding source available. Projects benefiting from NPI funds have ranged from mural and street banner installations to park and library improvements.

<sup>2</sup> The SDS teams included members from the major external service delivery departments including: Police, Fire, Public Works, Community and Economic Development Agency, and other participants such as the City Council, Oakland Housing Authority and Alameda County Services. The intention of the SDS network is to establish priorities for a defined geographic area and to coordinate governmental action to achieve those priorities in partnership with the community. As such, SDS teams met on a regular basis to address neighborhood concerns.

## ANALYSIS

While the below issues can be corrected administratively, the inventory of issues collectively raise a larger set of policy issues for the City Council to consider with respect to its role and authority. Clearly it is acknowledged that staff could and should have done better; however, it is not entirely known the role or actions of the Vice Mayor or Council District 6 staff that contributed to this outcome. Additionally, a broad review of how the City handles public facilities raises several administrative issues for the proper processing of asset management, construction projects, and budgeting for facility operations and maintenance. Discussion between the City Administrator's Office and Public Works Agency (PWA) have already begun and, over the next year, staff will develop a formal process to add buildings and facilities into the City's inventory for the purpose of providing budgeted, on-going maintenance to the buildings/facilities and developing a Maintenance Plan of Public Facilities.

The remainder of this section focuses on existing issues that generally fall into three broad categories: compliance with prevailing wage law; compliance with the California Building Code; and, compliance with policies, rules, agreements, and state law relative to operations and maintenance.

### *Compliance With Prevailing Wage*

As reported by the PWA, public facility improvements, such as the Rainbow Teen Center, are typically overseen by PWA project managers at the request of the department that will operate the facility. In the case of the Rainbow Teen Center, PWA staff report that it did not manage the project and Office of Parks & Recreation (OPR) staff states that it was not directly involved in the planning of the improvements. Staff reports that in March 2010, Redevelopment Agency staff was informed by Vice Mayor Brooks that Pulte would coordinate and manage the improvements needed for the renovation of the building in partnership with the non-profit Rebuilding Together Oakland, who would help with soliciting donations from the business community and various building trades. The goal was to have the improvements completed by summer 2010. While it is unknown what goods and services were donated, according to staff, Pulte purchased the remaining goods and services that they were not able to successfully solicit donations for, with an understanding that these expenses would be reimbursable by the City. The construction contract represents the reimbursable expenses and, the proposed increase, results in compliance with prevailing wage law.

Staff states that it was asked by Vice Mayor Brooks to prepare a Grant Agreement to reimburse Pulte for project expenditures using the allocated NPI funds for the Center. Email documentation shows that there was confusion about whether the City was reimbursing for material or labor costs; however, given that the NPI funds were appropriated, the former City Administrator and the former CEDA Director met with Vice Mayor Brooks to strategize a development plan for the facility's improvement. Although a development plan was devised, staff reports that other planning elements of the project related to determining scope for specific renovations, selection of Pulte, and overall project management did not involve City staff.

The renovations were completed in May 2010, and in July, Pulte sent a final invoice to the Redevelopment Agency listing various costs to be reimbursed. Per previous discussions/direction, Redevelopment Agency staff prepared a Grant Agreement and Purchase Order to effect the reimbursement. These documents were neither approved by the City Attorney's Office or the Department of Contracting and Purchasing, primarily because:

- Project involved a purchase of construction labor and materials (i.e., this was a public improvement to Redevelopment Agency-owned property which triggered state laws requiring bidding, payment of prevailing wages and related contract provisions required, a payment bond and that the work be done in accord with state and local safety and disabled access laws),
- Amount of the reimbursement exceeded the limit for the purchase of labor and materials without City Council approval,
- Apparent irregularities in proposed paperwork, and
- Proposed use of the wrong payment processes to issue public funds.

In this instance, it should be acknowledged that staff's refusal to sign off on incorrect processes safeguarded public interest and ensured the use of compliant processes to issue public funds and comply with state laws. Given staff's refusal to sign off for payment, and by input of Contract Compliance staff, we learned that former City Administrator Lindheim directed staff to develop the appropriate City Council report to put in place a retroactive construction award to correct previous activity relative to the City's payment to Pulte. Staff then prepared the appropriate legislative reports and resolution for the City Council to consider. Several months after completion of work and receipt of the Pulte Homes' invoice(s), Resolution No. 83165 C.M.S. passed on January 18, 2011 which authorized [Attachment B]:

- Acceptance of some donated work and materials;
- Waived advertising and bidding requirements for public construction projects; and,
- Retroactively awarded a contract for the construction of the Rainbow Teen Center to Pulte Homes in an amount not to exceed \$121,000 based on the invoice(s) log presented to the City, contingent on proof by Pulte that prevailing wages had been paid and provision of releases of claims from subcontractors and suppliers, because Pulte had not obtained a payment bond for the work.

In order to properly process a retroactive construction contract payment, Contract Compliance staff subsequently requested copies of standard, state payroll certified payroll records from Pulte for the subcontractors incurring labor costs and, upon receipt, determined that insufficient information existed to ensure compliance with state prevailing wage rates. Staff reports that this effort was further delayed by not receiving information from sub-contractors or Pulte in a timely manner (in order to establish wage rate shortfalls and to effectuate payment to all affected workers).

**KEY ISSUE 1:** Upon a lengthy due diligence effort that was completed later in 2011, staff has determined that the additional payments totaling \$30,699 should be made to laborers on the project to bring the City into compliance with state prevailing wage laws. As a result, an increase of \$30,699 in the contract with Pulte homes is needed to issue payments directly to the project laborers and comply with state prevailing wage laws. Pending the resolution of the project prevailing wage issue, the City has not yet reimbursed Pulte for their expenditures.

### California Building Code Compliance

As a consequence directly associated with achieving compliance with state prevailing wage law, the contract now exceeds \$136,060 which is the threshold for construction projects to be in compliance with the California Building Code. With the construction contract exceeding the threshold amount (construction contract now totals \$151,699), this project required that the Center be fully compliant with the California Building Code. Specifically, the 2010 California Building Code Section 1134B.2.1 Exception 1 states:

When the total construction cost of alterations, structural repairs or additions does not exceed a valuation threshold of \$50,000, based on January 1981, "ENR US20 Cities" Average Construction Cost Index of 3372.02 (Engineering News Record, McGraw Hill Publishing Company).... The enforcing agency shall annually update the valuation threshold to a current amount based on the increase in the index since the last figure used.

\$136,060 is the current threshold figure for 2012, which is updated by the California Division of the State Architect who is the agency that publishes the figure each year.

Building Services staff inspected the facility on February 22, 2012 and noted the following items that were not in compliance with the California Building Code, some of which were the result of work performed by the City since the project was completed (specifically Items 1 and 6). Below is a list of code violations that will be corrected in the near term:

1. The seat cover and soap dispensers in the toilet rooms are mounted too high. A maximum of 40" from the floor to where the seat cover or soap discharge is allowed.
2. The toilet grab bars on the rear walls should extend 24" minimum past the center of the toilet.
3. The bottom 10" of the doors need to be a smooth, uninterrupted surface [Attachment C].
4. The office near the kitchen needs a lever type door handle.
5. The added door between the sound control room and the music studio does not have the required 18" side clearance as measured from the strike side of the door.
6. The paper towel dispensers in the kitchen are too high. A maximum height of 46" above the floor is allowed for a side reach over 24" depth counters.

It is important to note that the front portion of the building is to remain unoccupied. Accessibility upgrades, including the ramp and handrails to this area, would be required when plans are submitted for future tenants. The wall board in this front portion does need to be patched in order to protect exposed electrical wiring. If permissible, staff will use CDBG funds to correct the code violations or absorb the costs.

**KEY ISSUE 2:** In two cases, staff caused for code violations while in other instances code violations occurred as part of the construction project or after. In any event, they can be fixed in the near term.

### **Center Operations & Maintenance**

According to the Center's program website (<http://www.dacaoakland.com/>), it lists "The Staff, Our Guardian Angels" as: Vice Mayor Desley Brooks, Oakland City Council Member-District 6; Clara Garzon, Legislative Aide to Council Member Desley Brooks; and, Patricia Brooks, Administrative Aide to Council Member Desley Brooks. With respect to program staff, the website notes two Site Directors (Andrea President and Claytovan Richardson) and lists five Instructors (David Unger, Laurence Jackson, Bryan Matheson, Timothy Quick, and Caleb Feldman) [Attachment D]. No department staff (e.g., OPR) offer any programs at the Center or oversee operations.

According to staff, since August 22, 2010, custodian service from the PWA has been provided at the Center five days per week, Monday through Friday (with the exception of Holidays and the City's mandatory without pay leave days). Typical service at the Center include: emptying and removing trash and recycling, sweeping, vacuuming, mopping floors, dusting all vertical surfaces, window ledges and fixtures, cleaning, sanitizing and restocking the restrooms, cleaning and sanitizing the kitchen and dining area, cleaning windows and other related tasks. This custodian is assigned 5 hours a day to maintain both the Rainbow Recreation Center, Rainbow Teen Center, and is assigned to another location for the remaining 3 hours of his shift. PWA reports that staff have keys to the Center and that it absorbed the maintenance.

OPR staff provided varied accounts relative to their access to the Center. Originally, OPR staff reported that it did not have keys or access to the Center, which is consistent with first reports from the OPR Director. This was further supported when the City Administrator and another staff member visited the Rainbow Recreation Center on January 6, 2012 and requested access to the Rainbow Teen Center. The City Administrator and staff member were told by the Center Director that he did not have keys to the Center. Upon further inquiry by the OPR Director, staff from Rainbow Recreation Center reported that it has an "emergency" key to the Center.

**KEY ISSUE 3:** Council District 6 is staffing and operating the Rainbow Teen Center (a City owned and funded facility). PWA staff absorbed the maintenance of the Center and access is generally limited to maintenance—not programs, operation, services, etc.

### ***Section #1: Summary of Key Issues***

Discussed in greater detail in this section of the report, key issues that require administrative action to achieve compliance include:



- Transition of Council District 6 oversight of the Center's day-to-day operations, staffing, management, and development of programs and services;
- Adherence to Civil Service Rules with respect to Council District 6's selection and hiring of staff to work at the Center; and,
- Ensure compliance with labor agreements and report back to the City Council regarding any issues that require City Council action.

Staff is recommending a City Council appropriation of one-time funds, for the remainder of FY 2011-2012, in the amount of \$67,000 from Fund 1550 (OPRCA Recreation Center Operations Fund) to provide staffing of the Rainbow Teen Center with:

- 1 Recreation Program Director;
- 1 Recreation Leader II-PPT;
- 2 Recreation Specialist I-PT; and,
- .50 Recreation Specialist II-PT.

This appropriation does not include maintenance, utilities, or any other costs which have already been absorbed. On-going funds, in the approximate amount of \$200,000, will need to be identified in the FY 2012-2013 Mid-Year Budget Cycle if the City Council desires to keep the Center open. This staffing level has been recommended by the OPR Director and had been deemed appropriate to continued service at the Center.

**KEY ISSUE 4:** Transition discussions began on February 23 with Vice Mayor Brooks. The City Administrator, Assistant City Administrator Fred Blackwell, and Employee Relations Director LaWama Preston will continue to work with Council District 6 to bring the Center into compliance. The City Administrator recommends that the City Council approve two budget actions to continue the staffing and operations at the Center.

***Section #2: Staff Classification, Civil Service Hiring, & Labor Represented Employees.***

To operate the Center, an email (dated March 14, 2011) shows that Vice Mayor Brooks communicated with the Director of OPR that the Center had been opened and inquiring about staffing, background checks, and what to do next. The OPR Director's response provides personnel/payroll clerk contact information and inquires whether she should begin the process for a contract (to operate the Center). It is not entirely clear what happened regarding attempts to enter into contracts for Center services, programs, etc.

City's records show that employees were selected, and hiring initiated, by Council District 6 under the classification of City Council Public Service Employee 14 (City Council PSE 14 or PSE 14)<sup>3</sup> and with the administrative support of Department of Human Resources Management

<sup>3</sup> As background, PSE 14 employees are exempt, at-will employees that are used by the Mayor and Council District Offices and offer flexibility to the City Councilmember to meet the needs of these elected offices. The classification has a wide salary range and no minimum qualifications or specifications. However, PSE 14 positions were not

(DHRM) and OPR staff. At no time did staff raise issues regarding the appropriateness of using the PSE 14 classification to work at the Center, nor is it clear whether it was known whether the purpose of the hiring requests were being initiated to staff the Center. Staff did not also question the unusualness of backgrounding or fingerprinting requests from Vice Mayor Brooks for PSE 14s because this is not a requirement of employment for this classification. It further appears that there was a lack of communication between DHRM and OPR during the hiring of various Council District 6 staff, requests for backgrounding of PSE 14s, or safeguards between whether employees began work without completing the requisite paperwork.

Table 1 outlines how PSE 14s are being used with respect to job title and function. Staff has already requested that these employees apply for an existing open recruitment for Recreation Specialist positions, since there are no reinstatement lists to assign previous Recreation Specialist workers into these potential positions—subject to the City Council’s approval of the budget action.

**Table 1: List of Rainbow Teen Center Staff—According to Website**

Staff Member	City Classification	Position
Andrea President	City Council PSE 14	Co-Site Director
Claytoven Richardson	City Council PSE 14	Co-Site Director & Digital Audio Arts Instructor
David Unger	City Council PSE 14	Digital Video Arts Instructor
Laurence Jackson	City Council PSE 14	Culinary Arts Instructor
Bryan Matheson	City Council PSE 14	Digital Audio Arts Instructor
Timothy Quick	City Council PSE 14	Urban Agriculture Instructor
Caleb Feldman	City Council PSE 14	Urban Agriculture Instructor

Source: Department of Human Resources Management (DHRM) & DACA Website

Upon review by the DHRM of the applications submitted for the seven positions, five of the seven employees hired hold the minimum qualifications to be a Recreation Specialist II (PT or PPT)—which represents the civil service classification appropriate for this work.<sup>4</sup>

The Administration wanted to ensure that appropriate hiring processes were followed to minimize exposure to risk or liability. Based on that review, staff was able to confirm that the individuals listed below were cleared of the required backgrounding; however, there appears to be a lag time between Hire Date and Clearance Date, which means that if these individuals were working at the Center, they were in violation of City policy and California Education Code 10911.5 and, had they not cleared, could have exposed the City to risk and liability.

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intended to be used for staff that would be conducting duties of those typically done within a City department or per civil service rules.

<sup>4</sup> This includes having a Bachelor’s Degree from an accredited college or university in recreation or a related field and holding a minimum of two (2) years professional level experience, paid or volunteer, and has demonstrated ability to teach advanced skills in the specialized area of interest. Specialized areas can include art, dance, drama, music, nature and sports. For applicants who do not possess a Bachelor’s Degree, the years of experience in their area of interest can be deemed sufficient by DHRM staff to offset not having a degree. The salary range for a Recreation Specialist II position is \$20.47 - \$25.13 hourly. Current Center PSE 14 earn \$25/hour.

**Table 2: List of Rainbow Teen Center Staff Processed through OPR**

Name	Hire Date	Background/Live Scan Date	Clearance Date*
Caleb Feldman	8/30/11**	9/7/11	9/7/11
Laurence Jackson	2/25/11	4/8/11	4/8/11
Scott Marsh	Paperwork On Hold—Hire Forms completed 12-21-11**	1/17/12	1/19/12
Bryan Matheson	2/25/11	3/30/11	3/30/11
Mark McKelvy	Paperwork On Hold— Hire Forms completed 1-18-12**	1/23/12	1/23/12
Andrea President	2/25/11	3/21/11	3/21/11
Timothy Quick	2/18/11	3/23/11	4/6/11
Clayton Richardson	2/25/11	3/21/11	3/23/11
David Unger	9/6/11**	9/8/11	9/8/11

Note: OPR conducted Live Scans of two additional employees were have been since terminated.

\*Clearance Date refers to the date that all test requirements met, include drug tests, TB and fingerprinting.

\*\*Hired/approved under the current City Administrator at a time when it was not known that Council District 6 was operating the Center. Those "On Hold" will not be approved by the City Administrator—unless for the purpose of issuing a final paycheck at a PSE 14. They may apply for current Recreation Specialist recruitment.

State of California Education Code 10911.5 [Attachment E] requires employees working with youth must submit to a criminal background check prior to starting their assignment. In addition, employees must also pass a drug test and a tuberculosis test. According to the City's Payroll records, five individuals began working, before being fingerprinted, cleared through the Department of Justice, and passing drug and tuberculosis tests, and completed new hire forms before completing their requisite clearances (a violation of the City's hiring policy). The City Policy that informs hiring for the OPR states that [Attachment F]:

All potential employees and volunteers working with children and youth in any capacity must be fingerprinted and photographed as mandated by State Law. Any candidate employee or volunteer who does not comply with this policy or misses his or her fingerprinting appointment will not be hired and/or assigned. **All new hires and volunteers must complete the fingerprinting process before completing the new hire forms...and before they are allowed to work or volunteer at OPR sites. [Emphasis added]**

With respect to the TB Test and drug screen, the City Policy states:

All new hires and volunteers must complete and pass the TB test and drug screening before completing new hire forms...before they are allowed to work or volunteer at OPR sites. [Emphasis added]

While DHRM and OPR staff did not raise the issues regarding hiring and backgrounding, nor support the Vice Mayor in correcting these actions, the City Administrator did bring to the Vice Mayor's attention the need to comply the City's hiring processes and mitigate risk/liability [Attachment G] at a time when it was not known that these employees were working at the Center, rather that there were compliance issues with allowing staff to work before their hiring paperwork was complete.

It should be noted that as of January 2012, DHRM listed 18 employees in the City Council PSE 14 classification assigned to District 6, seven of whom are confirmed by the staff listing on the website that are working at the Center—not including the two “on hold” with the City Administrator’s Office. On February 23, when asked by the City Administrator whether any of the current employees were working at the Center, Vice Mayor Brooks stated that they were not. DHRM records are as follows:

**Table 3: DHRM Listing of District 6 Staff**

<b>Name</b>	<b>Classification</b>
Brian Bouldin	City Council PSE 14
Patricia Brooks	City Council PSE 14
Isaac Brown	City Council PSE 14
Caleb Feldman	City Council PSE 14
David Hudson II	City Council PSE 14
Renard Hudson-Davis	City Council PSE 14
Laurence Jackson	City Council PSE 14
Bryan Matheson	City Council PSE 14
Sallye Porter	City Council PSE 14
Andrea President	City Council PSE 14
Timothy Quick	City Council PSE 14
Clayton Richardson	City Council PSE 14
Emily Rogers	City Council PSE 14
Barbara Taylor	City Council PSE 14
David Unger	City Council PSE 14
Tony Williams	City Council PSE 14
Karla Rush	City Council PSE 14
Clara Garzon	City Council PSE 14

Source: DHRM

**Labor Represented Employees:** The above referenced classifications that are used in the City’s recreation centers are represented by SEIU 1021. City Council PSE 14 positions are exempt, at-will positions that are represented by Local 21, which are the current classifications being used to provide services at the Center. The current classifications for recreation centers are part of the civil service employment process where there is a competitive process to obtain employment, salary range, minimum qualifications, defined job duties/responsibilities, and labor representation. The current staffing configuration at the Center results in a violation to existing MOUs.<sup>5</sup>

<sup>5</sup> It is OPR’s understanding, and emails suggest, that the original approach for operating the Center was to use non-profit organizations to run programs at no cost to the City. OPR staff is aware of efforts on the part of Council District 6 to enter into agreements with the 100 Black Men and Leadership Excellence. Under this model, non-profit organizations provide some programs and services at City centers/facilities at no cost to the City, which is a common service delivery model used by the City. Subsequently, negotiations with OCCUR began to obtain its services to offer programs at the Center. All of these efforts, for reasons unknown to staff, did not successfully result in executed agreements or in these non-profits providing services as originally contemplated. On February 23, the City Administrator, Assistant City Administrator Blackwell, and Employee Relations Director Preston learned that this model did not work because of concern for the care of the facility and its amenities.

The Office of Employee Relations confirms that the City cannot hire an employee as a City Council PSE 14 and have the employee perform Recreation Leader and/or Specialist I or II level of work. The work employees perform in recreation centers is typically performed by civil service classification Recreation Specialist I or II, both of which are civil service classifications. Section 3.01 of the Civil Service Rules (*Competitive Civil Service*) requires all positions in the competitive civil service be appointed pursuant to civil service rules, this requires testing and the establishment of an eligibility list. Additionally, the City's Civil Service Rules with respect to job classifications establishes the requirement of a classification plan under Section 3.02 (*Definition of Classification Plan*). The existing classification plan establishes the requirement for class specifications with specific characteristics and qualifications for a position. Section 3.03 of the Civil Service Rules (*Title of Positions*) clearly states that "no employee shall be appointed, employed or paid under any title of position than that to which he/she was appointed, except in cases of acting pay."

On February 23, Employee Relations Director Preston and Assistant City Administrator Blackwell advised Vice Mayor Brooks that there was an open recruitment for Recreation Specialist positions and that she should have the Center's PSE 14s apply for these positions. This allows for them to compete for these positions through the Civil Service process and, if the City Council approves staff's recommendation, they can be placed at the Center to continue services.

**KEY ISSUE 5:** Staff in both DHRM and OPR did not ensure that risk and liability were minimized by ensuring that the City was in compliance with the City's hiring procedures. The Vice Mayor selected and hired PSE 14s to work at the Center. These actions combined resulted in violations to the civil service rules and MOUs. Facts surrounding whether DHRM and OPR staff knew a complete set of facts regarding the Centers staffing configuration is not clear, so while there was a lack of communication that enabled the above errors, it is not entirely known whether sufficient information existed amongst staff to raise with the Vice Mayor to correct these issues earlier. The City Administrator and Employee Relations Director observed that staff never questioned the labor issues relative to the staffing configuration—which is a significant training issue to overcome. The open recruitment for Recreation Specialist provides an opportunity to correct these violations, pending approval of staff's recommendations.

### Section #3: CDBG Allocation & Direction

On July 19, 2011, City Council approved Resolution 83499 C.M.S. amending Resolution 83344 for the FY 2011 Annual Action Plan submitted to the U.S. Department of Housing and Urban Development (HUD) which included the FY 2011 Community Development Block Grant (CDBG) allocations. As part of this action, the City Council allocated \$62,250 to OCCUR for youth services, of which \$48,000 was for operating the Rainbow Teen Center for period July 1, 2011 – June 30, 2013 [Attachment H]. It is staff's understanding that the development of the contract between the City and OCCUR for the Youth Services which included the Rainbow Teen Center experienced delays and was ultimately not successful. Not a lot of information exists on staff's part related to the exact incidents that took place resulting in the lack of an agreement.

Through recent discussions between CEDA Housing staff, Council District 6 staff, and Council Office administrative staff, it was requested that a funding transfer of Center staff expenditures (currently funded by Council District 6), should be absorbed by the funds originally allocated by the City Council to OCCUR [Attachment I]. While one could establish that the nature of the expenditure of CDBG funds is consistent with the decision to provide services at the Center, it does not fully comply with the City Council direction to award an agreement to OCCUR and it raises the question regarding "*Whether one City Councilmember, or his/her staff, can redirect an action of the City Council?*" As a result, the City Administrator's Office put on hold this request until these broader set of staffing issues could be resolved. Since the City Council's original intention was to fund services at the Center for the CDBG period of July 1, 2011 – June 30, 2013, staff is recommending that these funds be transferred to OPR for the purpose of providing services at the Center, provided that the budget action to fund staff is approved.

While it appears that the Deputy Director of Housing may have discussed the ability to make such a funding allocation based on the Vice Mayor's request, she reports that it was done in an absence of knowledge of the broader set of staffing issues. Under past City Administrators, the Housing Division had a level of delegated authority to approve such transfers; however, this authority is vested with the City Administrator<sup>6</sup>. Housing staff generally oversees this delegated authority and requested input from the City Administrator's Office--which questioned whether this was an approved or appropriate use of CDBG funds.

**KEY ISSUE 6:** Emails show that Council District 6 and Council District Administrative staff initiated the use of CDBG funds to pay for staff working at the Center. The City Administrator's Office placed the request on hold and recommends that the funding be transferred to OPR for services at the Center.

### COORDINATION

This memorandum was developed by recollections, email, submitted text, etc. of staff from the Public Works Agency, Office of Parks and Recreation, Department of Human Resource Management, the Offices of Economic Development, Housing & Community Development, and City Administrator's Budget Office. Files, emails, and working documents amongst the above Department/Agency staff were also evaluated. In addition, discussions with both former City Administrators contributed to the development of this report, as well as one former City Administrator's set of emails.

### COST SUMMARY/IMPLICATIONS

The cost implications will be a one-time additional cost of \$30,699 for the project and funds are available in the Coliseum Tax Increment Operating Fund (9450); Coliseum Redevelopment Organization (88659) and the Coliseum Redevelopment Project (\$82600). Additional costs

<sup>6</sup> As background, per approved Resolution 83344 C.M.S., the City Council authorizes the City Administrator and/or his designee to conduct negotiations, execute documents, and take any other actions with respect to the projects and the allocation of CDBG funds consistent with this Resolution.

related to complying with the California Building Code can be absorbed if they remain under \$1000; however, if additional violations are discovered, the Administration may require a budget adjustment. Ongoing operating costs for the Center, based on the above staffing configuration, result in the additional appropriation for FY 2011-2012 at \$67,000 to OPR. Ongoing funding will need to be identified during the mid-year cycle for FY 2012-2013. Further, staff recommends that the City Council transfer the CDBG funds assigned to OCCUR to OPR for providing services at the Center through June 2013.

### **FISCAL/POLICY ALIGNMENT**

The above sections outline the policy direction sought from the Administration to ensure that actions are aligned to the City policies, procedures, MOUs, and the law.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

Not applicable.

### **PUBLIC OUTREACH/INTEREST**

Not applicable.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The project improves a public facility that serves an East Oakland neighborhood. The project removes physical blight and thus makes the neighborhood area more attractive to current and prospective residents, tenants and businesses that can provide employment within Oakland.

***Environmental:*** No negative environmental impacts are anticipated. The improvements to the exterior are substantial which provides a better aesthetic appeal for the neighborhood and the surrounding area.

***Social Equity:*** The project provides a positive stimulus to a public facility which provides direct access to neighborhood teens and students of the local schools, and benefits the larger resident population of Oakland.

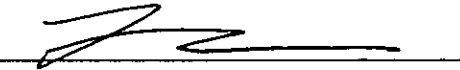
### **CONCLUSION**

As mentioned already, the role of staff responding to various requests without applying broader thought of the implications of such actions appeared to have not served the public interest well. Additionally, former City Administrators did not surface contracting and procurement issues with the City Council in January 2011 and the City Council may have made decisions absent some critical facts. Currentiy, as already stated earlier, staff cannot confirm that it has a full set of facts and/or understanding of how violations continued to evolve from construction to operations of the Center. This indicates that there are several management issues for the City Administrator's Office to work with the organization to clarify procedures and expectations.

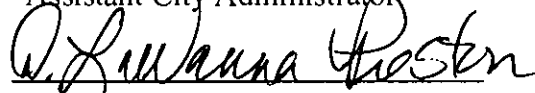
Under the current City Administrator, two hiring approvals occurred (and it was not known at that time that they were for the Center), two were placed on hold (which appear to be for the Center, since they were processed for backgrounding/fingerprinting), and the CDBG request was put on hold. Factors leading to these events are not entirely known by the authors of this memo, as we have already stated that it is unclear whether we have a detailed account of all of the incidents that occurred. Our findings are based on what we can confirm with facts, which certainly suggest irregularities.

Going forward, the City Administrator will confirm in writing the procedures that are required under the Charter and City ordinances and policies and state law for: (1) hiring of personnel to operate City facilities; (2) authorizing contracts – e.g., contracts must be in writing and must be reviewed and approved by project staff, City Attorney, and by City Council, if appropriate; (3) operating City facilities; and City Administrator will issue an Administrative Instruction that confirms that City Council members cannot direct staff and requires that Councilmembers communicate with the City Administrator (or an Assistant City Administrator) regarding facilities. Second, with the approval of the budget allocation, the City Administrator will proceed to assure a transition and City compliance with personnel, labor, and other requirements.

Respectfully Submitted,



FRED BLACKWELL  
Assistant City Administrator



LAWANNA PRESTON  
Employee Relations Director

Contributors:

Deborah Barnes, Contract Compliance  
Audree Jones-Taylor, Director of Parks & Recreation  
Eric Angstadt, Deputy Director, Planning  
Vitaly Troyan, Director of Public Works Agency  
Gregory Hunter, Deputy Director (former CEDA)  
Michelle Byrd, Deputy Director (former CEDA)  
Kip Walsh, ASM II, DHRM  
Alexandra Orologas, Chief of Staff

Attachments (8)

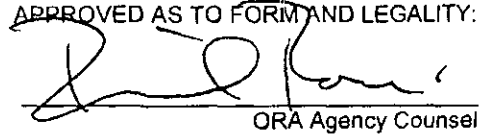
- A. Oakland City Council Resolution No. 2007-0068 (July 17, 2007)
- B. Oakland City Council Resolution 83165 (January 18, 2011)
- C. Illustration of California Building Code Door Construction Requirements
- D. Rainbow Teen Center Website Listing of Staff
- E. Slate of California Education Code 10911.5
- F. Office of Parks and Recreation Hiring Process for New Part-Time Employees
- G. Emails from City Administrator to Vice Mayor Brooks (August and September 2011)
- H. Oakland City Council Resolution 83499 (May 3, 2011)
- I. Staff e-mails between December 2011-January 2012 re: D.A.C A staff (District 6)



OFFICE OF THE CITY CLERK

2007 JUN 29 PM 1:51

APPROVED AS TO FORM AND LEGALITY:

  
ORA Agency Counsel**REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND**RESOLUTION NO. 2007-0068 C.M.S.

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**AN AGENCY RESOLUTION AUTHORIZING THE CONTRIBUTION  
OF \$790,000 PLUS CUSTOMARY REAL ESTATE CLOSING COSTS  
TO THE CITY UNDER THE COOPERATION AGREEMENT FOR THE  
ACQUISITION OF 5818 INTERNATIONAL BOULEVARD**

**WHEREAS**, the Redevelopment Agency wishes to fund the City of Oakland's acquisition costs to purchase two parcels (APN 038-3234-012-03) and (APN 038-3234-013-01) at 5818 International Boulevard in the Coliseum Redevelopment Project Area from the A. Essabhoy Trust so that the City can alleviate general blight and unsafe conditions on those parcels and redevelop those parcels for use as a teen youth center; and

**WHEREAS**, the City and the Redevelopment Agency are jointly implementing projects in the Coliseum Redevelopment Project Area as part of the Redevelopment Plan to reduce blight and reuse vacant buildings in the Redevelopment Area; and

**WHEREAS**, the City and 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 land costs or 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 acquisition of the parcels is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (no possibility of significant environmental impact), Section 15183 (projects consistent with a General Plan), Section 15301 (existing facilities), and Section 15308 (actions by regulatory agencies to protect the environment) of the CEQA Guidelines; and

**WHEREAS**, there are sufficient funds from the Coliseum Tax Allocation Bond Series 2006B-TE (Tax Exempt) Bond Fund (9455) to complete acquisition of the International Boulevard parcels; and

**WHEREAS**, the City Council is consenting to the use of Agency funding for the acquisition pursuant to Section 33445 of the California Health and Safety Code; now, therefore, be it

**RESOLVED**: That the Agency hereby authorizes a contribution of up to \$790,000 plus customary real estate closing costs in Redevelopment Agency funds, including contingency, to the City under the Cooperation Agreement for the acquisition of the International Boulevard parcels; and be it further

**RESOLVED**: That a total of \$790,000 plus customary real estate closing cost will be allocated from Coliseum Tax Allocation Bond Series 2006B-TE (Tax Exempt ) Bond Fund (9455), Capital Improvement Project – Economic Development Organization (94800) for the purchase of the parcels; and be it further

**RESOLVED**: That such funds shall be placed into the City Project established for the acquisition of the subject parcels; and be it further

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

1. That the funding of the acquisition of the International Boulevard parcels will benefit the Coliseum Redevelopment Project Area by alleviating blight conditions on those parcels by improving and making use of an unoccupied, vacant building and redeveloping the building for use as a teen center serving Project Area residents ;
2. That since City General Funds are not available for acquisition of these properties, no other reasonable means of financing are available to the City for the acquisition other than Redevelopment Agency funding; and
3. That the use of tax increment funds from the Coliseum Redevelopment Project Area for the acquisition will assist in the elimination of blight in the Project Area by allowing the City to repair the dilapidated condition of the building currently located on the parcels and restore to productive use as a City teen youth recreation center, and is consistent with the implementation plans adopted for the Coliseum Project Area; and be it further

**RESOLVED:** That the Agency Administrator or her designee is hereby authorized to take whatever other action is necessary with respect to the Agency funding of the acquisition consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, **JUL 17 2007**, 2007


PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NAOEL, QUAN, ~~REID~~ AND CHAIRPERSON DE LA FUENTE - 7

NOES- 0

ABSENT- Reid - 1


ABSTENTION- 0

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 DEC 23 PM 6:01

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 83165 C.M.S.

### INTRODUCED BY COUNCILMEMBER

**RESOLUTION WAIVING ADVERTISING AND BIDDING REQUIREMENTS AND AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE RAINBOW TEEN CENTER AT 5818 INTERNATIONAL BOULEVARD TO PULTE HOMES IN AN AMOUNT NOT TO EXCEED \$121,000, AND ACCEPTING A DONATION OF \$204,000 IN LABOR AND MATERIALS FROM PULTE HOMES FOR THE RAINBOW TEEN CENTER PROJECT**

**WHEREAS**, the City of Oakland acquired the former child care and medical facility at 5818 International Boulevard with Redevelopment Agency funds in 2007 to provide a Rainbow Teen Center with a kitchen and recording and television training studios for Central East Oakland teens as part of the Oakland program to increase youth recreation activities; and

**WHEREAS**, the City of Oakland would likely spend \$325,000 to replicate the labor, materials and improvements installed at the City of Oakland Rainbow Teen Center; and

**WHEREAS**, Pulte Homes coordinated a team of contractors in conjunction with Rebuilding Together Oakland by pooling the skills and donations of a group of contractors to contribute \$204,000 in labor and materials and equipment; and

**WHEREAS**, Pulte Homes has submitted invoices to the Agency for reimbursement of \$121,000 to pay for 40% of the cost of specific labor and materials that they have supplied toward the construction of the Rainbow Teen Center; and

**WHEREAS**, since the work was done without a competitively bid contract, it is necessary under the City's public works contracting rules for the Council to waive advertising and competitive bidding in order to enter into a contact to reimburse Pulte Homes for a portion of the work they performed; and

**WHEREAS**, the Oakland Municipal Code authorizes the Council to dispense with advertising and the fixed, sealed bidding process upon a finding that it is in the best interests of the City to waive the requirements, and staff recommends that it is in the best interests of the City to waive these requirements for the improvements constructed by Pulte Homes at the Rainbow Teen Center; and

**WHEREAS**, the Redevelopment Agency has contributed funds from the Neighborhood Projects Initiative program to the City to the partial costs of the Teen Center improvements; and

**WHEREAS**, staff has ascertained that the materials supplied by the contractor will be or are in compliance with state and local product requirements for publicly-owned facilities; and

**WHEREAS**, staff has ascertained that the contractor has complied with all state and local laws applicable to public works of improvement, including payment of prevailing wages, and has obtained the types and amounts of insurance required by the City for a project of this type; and

**WHEREAS**, the contract is of a temporary and technical nature and shall not result in the loss of employment or salary of any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.050.1.5 and the reasons stated in the City Administrator's report accompanying this item and above, the City Council finds that it is in the City's best interests to waive the advertising and bidding requirements of the Oakland Municipal Code for this contract; and be it

**FURTHER RESOLVED:** That the contract for installation of the Rainbow Teen Center interior and exterior improvements is hereby awarded to Pulte Homes in an amount not to exceed \$121,000; and be it

**FURTHER RESOLVED:** That the City Council hereby accepts the donation of \$204,000 in labor and materials for the Rainbow Teen Center from Pulte Homes as part of the Rebuilding Together Oakland community project; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved for form and legality by the City Attorney's Office and filed in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

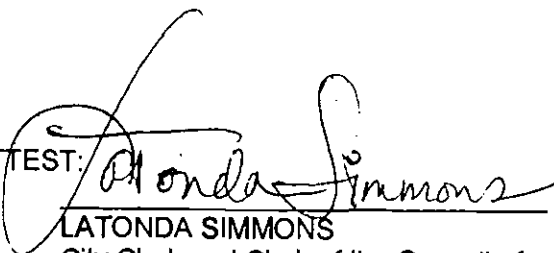
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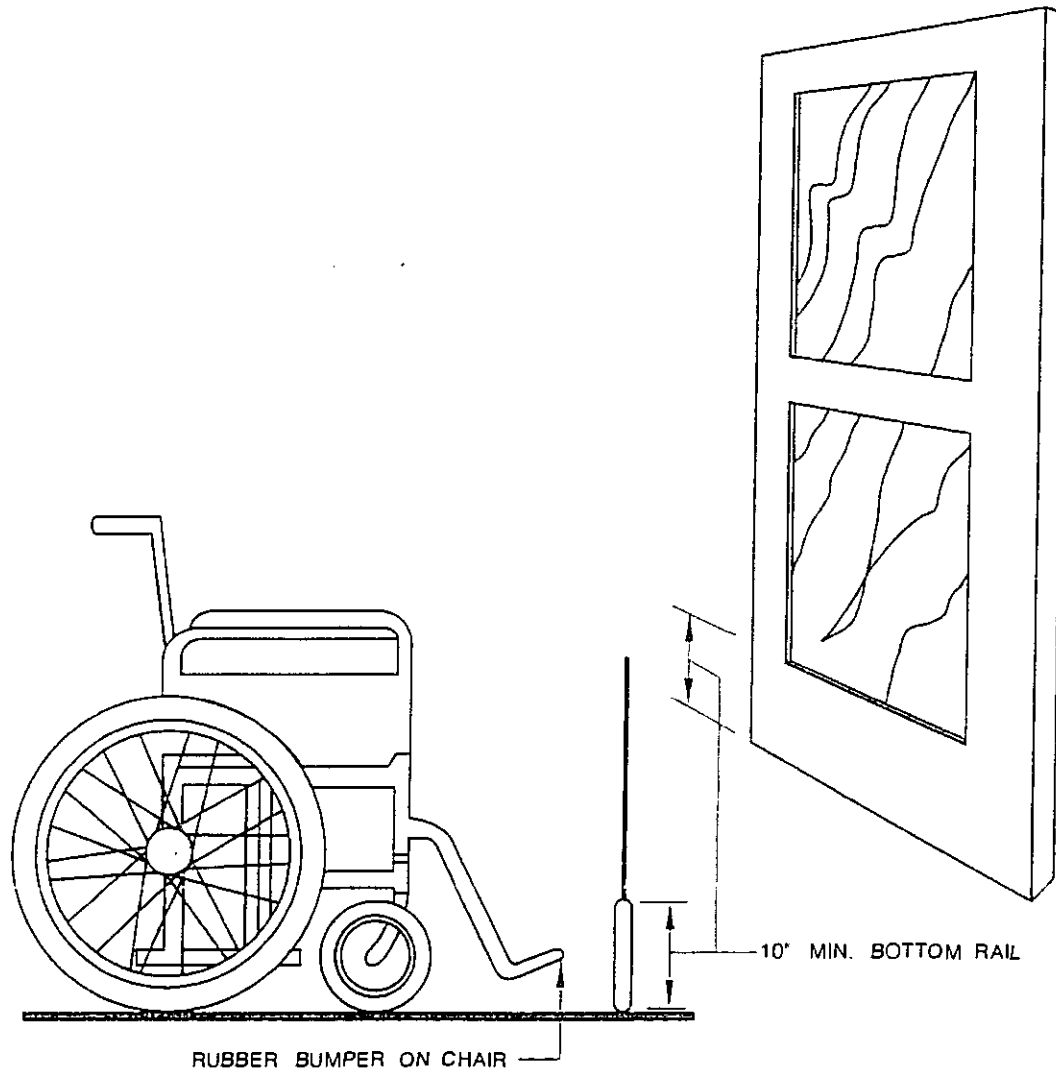
PASSED BY THE FOLLOWING VOTE:

AYES - DE LA FUENTE, KERNIGHAN, NADEL, BROOKS, REID, SCHAAF, KAPLAN,  
AND ~~PRESIDENT~~ BRUNNER - 8

NOES - 0  
ABSENT - 0  
ABSTENTION - 0

ATTEST:

  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California



THIS DIAGRAM ILLUSTRATES THE SPECIFIC REQUIREMENTS OF THESE REGULATIONS AND IS INTENDED ONLY AS AN AID FOR BUILDING DESIGN AND CONSTRUCTION.

FIGURE 11B-29—DOOR CONSTRUCTION

**DACA****Digital Arts and Culinary Academy**[Overview](#)[Programs](#)[The Center](#)[Membership](#)[Supporters](#)[Contact Us](#)**THE CENTER**

The Digital Arts and Culinary Academy (DACA) is a state of the art facility designed to give teens an opportunity to learn and grow, while having a good time with instructors and fellows members.

DACA is open weekdays 3:00pm to 6:30pm (During the Summer) and 3:30pm to 7:00pm (During the school year). If you would like to set up an appointment see the the facility, please call us at (510) 615-5807, or email us at [info@dacaoakland.com](mailto:info@dacaoakland.com).

**Center Photo Gallery****The Staff*****Our Guardian Angels***

Vice Mayor Desley Brooks, Oakland City Council Member - District 6

Clara Garzon, Legislative Aide to Council Member Desley Brooks

Patricia Brooks, Administrative Aide to Council Member Desley Brooks

**Site Directors**

[Andrea President](#) - Co-Site Director

Being on the constant brink of homelessness never slowed Andrea President from her passionate pursuit of music. In fact, that struggle has been instrumental in her musical growth, as well as her personal healing. Andrea taught herself how to play the acoustic guitar and soon began performing. Shortly thereafter Andrea became involved with the program Youth Movement Records (YMR) where she was Program Assistant. She was also Cabin Leader for a special needs camp, Via West Camp. Currently, she is working on her first CD.

Andrea hopes her journey will serve as an example to teach others to follow their dreams, no matter how great the obstacles may be.

[For More Info](#)



[Claytoven Richardson](#) - Co-Site Director & Digital Audio Arts Instructor

Claytoven has worked on hundreds of projects throughout his 30-year career. Constantly in demand as one of the top session vocalists, his voice can be found on albums featuring GRAMMY winning artists such as Aretha Franklin, Whitney Houston, Kenny G, Celine Dion, Mariah Carey, as well as, on popular video games like Karaoke Revolution Presents: American Idol Encore (Versions 1 & 2). He has also written for and produced artists such as Patti Austin, Young Jeezy, and Charlie Wilson.

Currently, Claytoven is teaching at San Francisco State University for the Music Recording Industry Department. From the fruits of those labors he has penned the book, The Professional Studio Vocalist. [For More Info](#)

**Instructors**

[David Unger](#) - Digital Video Arts Instructor



David Unger is an independent filmmaker and musician. He has been working with video ever since childhood and has a passion for storytelling, music and technology. David has been involved with such projects as the 48 Hour Film Festival and a collection of YouTube music videos. His music videos soon gained the attention of YouTube and they signed him on as a business Partner. His YouTube videos have received over 2 million views, as well as, celebrity recognition from music artists such as, B.o.B, Nicki Minaj, Kesha, La Roux, and Katy Perry. [For More Info](#)

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[Chef Laurence Jackson](#) - Culinary Arts Instructor

Chef Laurence Jackson's career started in 1980 when he graduated from the California Culinary Academy. He went to work for Almeilo's Restaurant in San Francisco, which was a landmark destination. Later, he went to the Metropoli in Berkeley, then The American Hawaii Cruise Line from 1983-1984. In 1987 he started at the Nikko Hotel and became their Executive Chef

Chef Jackson has received awards including: Quady Wine Competition first place 1990 and second in 1999; March of Dimes in 1995; and, American Food & Wine 1999. While at Jordan's in the Claremont he won the AAA Four Diamond Award for dining 1997-2004. Chef Jackson is now teaching at Laney College.

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[Bryan Matheson](#) - Digital Audio Arts Instructor

Bryan Matheson has had extensive experience as a recording engineer, and has owned and operated Skyline Studios since 1987. As a vocalist, Bryan has numerous radio, TV, CD and performance credits, including: 2006 Grammy nomination with The Pacific Mozart Ensemble, and Kent Nagano; Carnegie Hall with Meredith Monk; Bobby McFerrin; Bob Weir (The Grateful Dead) and The Marin Symphony.

Bryan is the founder and CEO of iMusicast, which from 1999 to 2005 produced live webcasts from its concert venue in Oakland, the epicenter of a vital East Bay music scene.

Bryan is a faculty member at San Francisco State University, and Chabot College. [For More info](#)

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[Timothy Quick](#) - Urban Agriculture Instructor

Timothy Quick graduated with a degree in Sustainable Agriculture from UC Davis, while also coordinating UC Davis' huge organic community garden, volunteering at the Davis Food Co-op, and interning at the UCD Student Farm CSA.

After UC Davis, Timothy worked with Terra Bella Family Farm, an urban-edge farm at the Sunol Ag. Park, performing CSA and Farmers Market sales, field work, and educational tours. He is an entrepreneur and also currently works in sales, marketing, and administration.

As the Urban Agriculture Program Instructor at DACA, instructs teens on installing garden beds and organic city farming. [For More Info](#)

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[Caleb Feldman](#) - Urban Agriculture Instructor

After completing an intensive Gardening & Composting and Educator training program through San Francisco, CA based, Garden for the Environment, Caleb Feldman began teaching Urban Agriculture and Organic Gardening in 2008. His gardening work has included working with elementary students in the Tenderloin neighborhood of San Francisco, mentoring West Oakland families in Backyard Gardening, co-stewarding several neighborhood gardens in San Francisco, and working on farms throughout the Pacific Northwest.

Caleb works to create a food system where all have access to nutritious and affordable food. He teaches students in all aspects of organic gardening including: soil science, composting, water conservation, integrated pest management, propagation, harvesting, and nutrition.

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*Sponsored by the offices of the Vice Mayor Dsley Brooks*

**KEEP MAKING A DIFFERENCE -- PAY IT FORWARD!**



**STATE OF CALIFORNIA FINGERPRINTING REQUIREMENTS FOR  
RECREATION PROGRAMS**

The State of California Education Code 10911.5 requires recreation program employers to fingerprint those having direct contact with any minor when working in programs on the recreation organization's behalf

State of California Education Code 10911.5

10911.5.

→ (a) Commencing with January 1, 1993, every public recreation program employer shall require each employee having direct contact with minors to immediately submit, or in the case of a new employee, to submit on or before the first day of his or her employment, one set of fingerprints to the Department of Justice. This requirement is a condition of employment.

(b) For the purposes of this section "public recreation program employer" means a public recreation program that is exempt from licensure pursuant to subdivision (g) of Section 1596.792 of the Health and Safety Code.

(c) The Department of Justice shall furnish a criminal record summary to the public recreation program employer designated by an employee submitting fingerprints pursuant to subdivision (a). The criminal record summary shall contain only arrests resulting in a conviction and arrests pending final adjudication. The criminal record summary furnished to the public recreation program employer shall be maintained by the public recreation program employer in a secured file separate from personnel files.

(d) The Department of Justice may charge each applicant for a criminal record summary a reasonable fee to cover costs associated with the processing of the criminal record summary. In no event shall the fee exceed the actual costs incurred by the department.

Nothing in this section prohibits the public recreation employer from paying the applicant charge or reimbursing the charge to the employee.

## The Office of Parks and Recreation Hire Process

Office of Parks and Recreation  
Hiring Process for  
New Part-Time EmployeesHuman Resources/OPR Screening Process

All applicants must submit an application and supplemental questionnaire to the Department of Human Resource Management (DHRM) at 150 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor or submit the application online through our NeoGov application. DHRM, in consultation with OPR, screens applicants for minimum qualifications. Those who meet the minimum qualifications are invited to an interview coordinated by DRHM through a letter sent to applicants.

Interview Process

Interviews will be held several times a year depending upon the seasonal needs of the Office of Parks and Recreation (OPR) (e.g. Summer, Fall, etc.) Each interview cycle will be predetermined and will be initiated by OPR's submission of approved Personnel Requisitions indicating the job classification for which to hire and the number of vacancies (e.g. Recreation Leader I, Recreation Leader II, Sports Official, etc.) The Personnel Requisitions (or attached list) should also indicate the location of each vacancy possible. The interviews will take place approximately 4-6 weeks after OPR's submission of approved Personnel Requisitions to DHRM to allow time for assignment to an HR Analyst, screening of applications, notification of applicants, and coordination of interviews. A Recruitment Plan will be completed by the HR Analyst (with the OPR Personnel contact) assigned to recruitment. This plan will cover the recruitment / advertising strategy, dates for interviews, and any miscellaneous costs to be incurred by OPR (e.g. advertisements, materials, food for interviewers, etc.)

Interviews are held at DHRM with panels consisting of OPR staff and external individuals (could be advisory board members or other City staff). Ideally, there should be two to three panelists, whenever possible: One supervisor, one program employee, and one external reviewer. Structured interview questions must be developed in advance of the interview process. You should plan for 5-20 minutes per interview. Once the interview process is complete, a hiring list of qualified applicants is created and copies of their applications and supplemental questionnaires are sent to OPR. It takes a minimum of 3-5 days to generate the hiring list once all interviews have been completed. Aquatics candidates' water skills must be assessed prior to the interview process.

After the interviews are completed, all applicants who participated in the interviews receive a letter from DHRM indicating their position status. Applicants who pass the interview are instructed by OPR to attend a comprehensive assessment orientation and given the dates and times. The orientation (draft day) will be the staff selection day and the assignment to work sites.

Employee Process Steps

1. Memo sent from program supervisor to OPR Fiscal Manager to authorize budget to hire.

## The Office of Parks and Recreation Hire Process

2. Program supervisor completes the Request to Hire and submits the request to their immediate supervisor.
3. Fingerprinting – The potential employee must call the OPR Senior Payroll Clerk at (510) 238-3192 to make an appointment for fingerprinting and to begin the hiring process which takes from 1-90 days. All potential employees and volunteers working with children and youth in any capacity must be fingerprinted and photographed as mandated by State Law. Any candidate employee or volunteer who does not comply with this policy or misses his or her finger printing appointment will not be hired and/or assigned. All new hires and volunteers must complete the fingerprinting process before completing the new hire forms listed below and before they are allowed to work or volunteer at OPR sites. A completed fingerprint form must be returned to the OPR Senior Payroll Clerk within two days of the scan. Parents of minors being considered for employment must also complete the Authorization to Conduct Criminal History Check form. The OPR Senior Payroll Clerk must sign off as receiving the document and the employee is to receive a copy for their records. The OPR Senior Payroll Clerk will provide notices to the immediate supervisor.
4. Employee is sent for TB test and drug screen. All new hires and volunteers must complete and pass the TB test and drug screening before completing the new hire forms listed below and before they are allowed to work or volunteer at OPR sites.
5. The OPR Internal Process Begins: (if the candidate passes the fingerprinting / background test, TB Test and Drug Screening). The applicants will be required to fill out payroll paperwork for processing. At that time employees must have two identifications: One must be a pictured identification and the other a social security card, birth certificate or passport. Failure to bring the required identification will delay the processing and the processing appointment rescheduled.
6. All Potential Employees Must Complete:
  - a. I-9
  - b. Deferred Comp
  - c. Union Local 1021
  - d. Employee Withholding Certificate – Federal
  - e. Employee State Withholding
  - f. Designation of receives checks upon death
  - g. Certification regarding Job Elimination
  - h. Emergency Information form
  - i. Beneficiary Designation
  - j. Employee receives a Union Book
  - k. Direct Deposit Form - Mandatory
7. Fiscal Manager signs off on the New Employee Entry Record. DHRM will accept PAR signed by OPR Fiscal Manager as ready for processing.
8. The New Employee Entry Record (NEER) or PAR is submitted with all required forms to OPR Personnel (Admin). OPR reviews for accuracy, and then forwards to Treasury Division Payroll

## The Office of Parks and Recreation Hire Process

Unit 3<sup>rd</sup> Floor for login and date stamp, then the document are forward to DHRM, 2<sup>nd</sup> floor for date stamp and log in and Position Control review. DHRM is responsible for forwarding paperwork to Payroll by placing in pick up box located on the 2<sup>nd</sup> floor in 24-48 hours.

9. Payroll will collect and log this paperwork twice daily (including faxes) at 10:00am and 2:00pm. Please note that New Employee Entry Record, Rehiring PAR, Job Class Change, and Organization Change paperwork must have Position Control approval prior to processing. If the documents received by Payroll do not have Position Control approval, they will be logged in, and forwarded to Position Control. Position Control will return paperwork to Payroll within two days or notify Payroll and OPR if additional time is required. Any problems encountered by either payroll or Position Control in the processing of these documents will be coordinated with OPR staff and the Agency Director.
10. Upon receipt of a completed and approved packet, Payroll will enter the new employee into payroll system. Entry will be completed within three days. Payroll will inform OPR if additional time is necessary. OPR Personnel may confirm the completion of the hiring process by assessing the employee's Oracle record.
11. Supervisors are informed that the new hire is the system via e-mail from OPR Senior Payroll Clerk. Supervisors alert program supervisors that the new hires are in the system.
12. Employee is contracted via their immediate (program) supervisor and given work schedule and assignment. New employees cannot begin work until notified. New employees can only begin to work at the start of a payroll cycle. The cycle runs every two weeks. Due to this cycle, it will take approximately two-four weeks to process the paperwork in the payroll system. No staff can work until they are recorded in the system.

### Process for Re-Hire

- Program supervisors will be required to submit a list at the end of summer of those employees to be terminated. DHRM will work with payroll to de-activate these employees from the system.
- \*A secondary list must be submitted by program supervisors to Payroll of employees to be deactivated for nine months. Payroll will work with OPR to reflect an inactivated status for the employees OPR plans to rehire for the upcoming season. To facilitate the rehire process, these employees are not to be removed from the system by DHRM or Payroll.
- \*\*Upon their return, the program supervisor must provide a list to their immediate supervisor at least 25 days in advance of start date to initiate reactivation process for those that are returning.
- OPR will complete, and the Fiscal Manager will authorize a PAR for each re-hire at least three weeks in advance of the start date. The PAR will follow the process described above (see #8 and #9) for approval by Position Control and reactivation by Payroll.
- All employees must attend the summer orientation and will participate in the draft day for work site assignments.

Santana, Deanna

---

**From:** Santana, Deanna  
**Sent:** Friday, September 30, 2011 8:38 AM  
**To:** Brooks, Desley; Sanchez, Susan  
**Cc:** Johnson, Scott; Landreth, Sabrina  
**Subject:** CD 6 Hiring Forms/personnel Requisitions

Good Morning Vice Mayor and Susan,

I am in receipt of two Personnel Requisitions for CD 6 that require a little bit more information before they can be approved. I am anxious to get this resolved because the paperwork seems to suggest that these individuals may be actively working for the City and, as such, we have a legal obligation to pay people once they are employed by the City-- despite the fact that their paperwork was not completed timely. The necessary information that we need is (1) the term of their employment and (2) funding plan to ensure appropriate CD 6 resources are in place to cover these costs. Upon receipt of this information, Sabrina and Scott can sign off and expeditiously work to get manual checks cut to pay these individuals. If more time is required to resolve these issues, then we should consider communication to the individuals to ensure that all risks are removed from the City.

Thank you,

Deanna

---

**From:** Santana, Deanna  
**Sent:** Wednesday, August 24, 2011 8:12 AM  
**To:** Brooks, Desley  
**Subject:** Karia Rush

Councilmember Brooks,

I have signed off on the hiring packet for the above employee and note that the hiring date is well before the date that the hiring paper was processed. Records show that the hiring paperwork reached HR or CAO until August 11. This was odd to me, so I asked Sabrina Landreth to review the paperwork. Let's work together to ensure that the appropriate paperwork is in place before an employee begins, I am happy to hear from you about any process changes that could facilitate this change. More importantly, my goal is to mitigate liability/risk to the City. Thank you for your consideration.

Deanna

APPROVED AS TO FORM AND LEGALITY:

*M. M. M. M.*  
 DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION NO. 83499 - e. m. s.

RESOLUTION AMENDING RESOLUTION 83344 C.M.S 1) AUTHORIZING THE CITY ADMINISTRATOR TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THE REVISED ANNUAL ACTION PLAN FOR FISCAL YEAR 2011-2012; 2) ACCEPTING AND APPROPRIATING FUNDS TOTALING \$14,658,157 FOR THE HOME, EMERGENCY SHELTER GRANT (ESG), HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA), AND THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS; AND 3) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AGREEMENTS WITH SUBGRANTEES FOR FISCAL YEAR 2011-2012 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, on May 3, 2011, the City Council approved Resolution 83344 C.M.S authorizing the City Administrator to prepare and submit a Consolidated Plan Annual Action Plan for Fiscal Year 2011-12 (the Plan) as a condition for receiving Federal funds for housing and community development activities; and

WHEREAS, the Plan was submitted to HUD by May 16, 2011; and

WHEREAS, the City was officially notified on June 3, 2011 the Fiscal Year (FY) 2011 allocations from HUD; and

WHEREAS, the City desires to accept grants from HUD for the following programs in the following amounts:

Community Development Block Grant (CDBG)	\$ 7,578,921
HOME	\$ 4,196,010
Emergency Shelter Grant	\$ 369,059
HOPWA	\$ 2,514,177

as identified in the revised Annual Action Plan; and

**RESOLVED:** That the City Council hereby authorizes and directs the City Administrator, and/or his designee, to submit the revised Annual Action Plan for 2011-12 consistent with the final HUD grant allocations; and be it

**FURTHER RESOLVED:** That the City Council hereby accepts and appropriates the HUD funds totaling \$14,658,157; and be it

**FURTHER RESOLVED:** That the City Administrator or his designee, is authorized to negotiate and execute agreements with third-party contractors and subrecipients for those programs and projects in the amounts identified in the final Annual Action Plan for FY 2011-2012 for the Community Development Block Grant, Housing Opportunities for Persons With AIDS, Homeless Families Support Network/Supportive Housing, Matilda Cleveland Transitional Housing and Families In Transition/Scattered Sites Transitional Housing programs, as listed on Attachments to this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 19 2011, 20    

PASSED BY THE FOLLOWING VOTE:

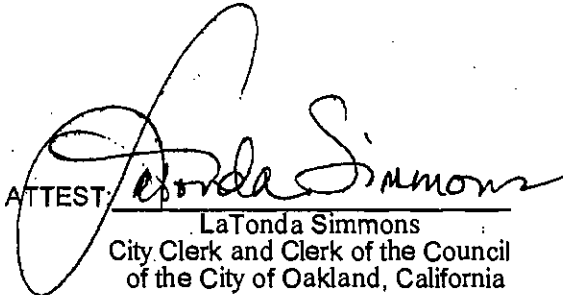
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and  
PRESIDENT REID 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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

**ATTACHMENT A**  
**CDBG Subgrantee Grant Agreements Approved for FY2011-12 Funding**

PROJECT/PROGRAM NAME	Previous Amt.	Revised Amount	Decrease
Oakland Citizen's Committee for Urban Renewal: Heartlands Neighborhood Revitalization/Façade Improvement (G255310)	133,000	110,390	22,610
Oakland Citizen's Committee for Urban Renewal: Youth Programs	75,000	62,250	12,750
Oakland Parents Together: 3 <sup>rd</sup> Grade Intensive Support Tutoring Program (G385010)	25,000	20,750	4,250
Overcomers With Hope Second Chance: Capital Improvements*	50,000	41,500	8,500
Project Reconnect (H08600)	147,895	122,753	25,142
Rebuilding Together Oakland: Beautification of Community Spaces*	15,000	12,450	2,550
Rebuilding Together Oakland: Blight Removal via Cleanup, Repair & Landscaping of Homes and Open Spaces*	25,000	20,750	4,250
Rebuilding Together Oakland: Home Repair & Safety/Accessibility Modifications (G384110))*	91,450	75,904	15,546
Spanish Speaking Citizen's Foundation: Rising Sun Entrepreneurs, LLC/Healthy Cooking for Youth	24,558	20,383	4,175
Spanish Speaking Citizen's Foundation: Rising Sun Entrepreneurs, LLC: Professional Pastry Training Program	37,956	31,503	6,453
Student Program for Academic & Athletic Transitioning (SPAAT): Teach Bar/Hustle High Academic & Athletic Skills Program	45,000	37,350	7,650
Unity Council: Foreclosure Counseling (G341610)	100,000	83,000	17,000
Vietnamese American Community Center of the East Bay: Vietnamese American Community Center Project for Seniors and Families	65,000	53,950	11,050
Youth Uprising: The Comer's Café Culinary Arts Training Program (G280310)	47,895	39,753	8,142

*This*

*←*

\* Capital Improvement Project



**ATTACHMENT A**  
**CDBG Subgrantee Grant Agreements Approved for FY2011-12 Funding**

<b>PROJECT/PROGRAM NAME</b>	<b>Previous Amt.</b>	<b>Revised Amount</b>	<b>Decrease</b>
Alameda County Minor Home Repair	400,000	358,702	41,928
Alameda County Community Food Bank: Food Security Scholarship Program (G19550)	99,000	82,170	16,830
Alzheimer's Services of the East Bay: Dementia-Specific Adult Day Health Services (H67200)	30,000	24,900	5,100
Anew America Community Corp.: Green Business Program	50,000	41,500	8,500
Attitudinal Healing Connection: Youth Embracing Love and Life	100,000	83,000	17,000
Center for Independent Living: Tenant Landlord Counseling & Education for Disability Low-Income Resident (G206010)	20,000	16,600	3,400
Covenant House California-Oakland: Shelter and Supportive Services for Homeless Youth	45,700	37,931	7,769
East Oakland Community Project: Crossroads-Emergency Housing Program (G168551)	200,000	166,000	34,000
Fair Housing Services (Subgrantee to be determined)	358,000	297,140	60,860
First Place for Youth: Steps to Success (G191110)	100,000	83,000	17,000
Friends of Oakland Parks & Recreation: Maxwell Park -Taking the Next Step Towards Recreation, Community & Open Space* (G384910)	24,380	20,235	4,145
Friends of Peralta Hacienda Historical Park: Peralta Creek Accessible Interpretive Path *	43,071	35,749	7,322
Lifelong Medical Care: LifeLong In-Home Healthy Access Project	30,000	24,900	5,100
Oakland Business Development Corporation: Business Loan Program (G02200)	468,552	429,139	39,413
Oakland Chinatown Chamber of Commerce: Public Safety Educational Outreach	20,000	16,600	3,400
Oakland Citizen's Committee for Urban Renewal: Eastmont Technology Learning Center (G237510)	112,895	93,703	19,192

\* Capital Improvement Project

**Orologas, Alexandra**

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**From:** Landreth, Sabrina  
**Sent:** Monday, January 23, 2012 6:10 PM  
**To:** Montu, Janelle  
**Cc:** Santana, Deanna; Sanchez, Susan; Blackwell, Fred  
**Subject:** RE: D.A.C.A. staff (District 6)

We are directed to NOT use CDBG funds at this time. Thx.

---

**From:** Montu, Janelle  
**Sent:** Monday, January 23, 2012 3:18 PM  
**To:** Landreth, Sabrina  
**Subject:** RE: D.A.C.A. staff (District 6)

Hi Sabrina,

I left a personnel requisition with you a week ago and I am about to go and pick another requisition from personnel for the hire of District 6 DACA staff.

Susan mentioned that CDBG funds will now be used effective January to pay for DACA employees. The funding codes and email from CEDA authorizing the use of CDBG funds is provided in the emails below. I know that you also sent an email to the City Administrator (attached) asking for direction – have you heard back from her? How would you like me to proceed?

With thanks,  
Janelle

---

**From:** Sanchez, Susan  
**Sent:** Monday, January 23, 2012 2:48 PM  
**To:** Montu, Janelle  
**Subject:** FW: Account Codes for D.A.C.A.

*Here is the coding block*

*Susan A. Sanchez  
Executive Assistant to  
the City Council  
City of Oakland  
Phn: 510 238-6917  
Fax: 510 238-6129  
Email: [SASanchez@Oaklandnct.com](mailto:SASanchez@Oaklandnct.com)*

---

**From:** Schlenk, Sarah  
**Sent:** Thursday, January 12, 2012 11:42 AM

**To:** Sanchez, Susan; Algbekaen, Sam; Landreth, Sabrina; Byrd, Michele  
**Subject:** RE: Account Codes for D.A.C.A.

See below.  
-Sarah

---

**From:** Sanchez, Susan  
**Sent:** Thursday, January 12, 2012 11:05 AM  
**To:** Algbekaen, Sam; Landreth, Sabrina; Schlenk, Sarah; Byrd, Michele  
**Subject:** RE: Account Codes for D.A.C.A.

Sam,

Wondering if you got this information ready (below), I don't want to worry about it with Payroll next week. Plus it is a short week.

Susan A. Sanchez  
Executive Assistant  
to the Oakland City Council  
One Frank H. Ogawa Plaza 2nd Flr.  
Oakland, CA 94612  
Tel.: 510 238-6917  
Fax.: 510 238-6129  
E-mail: [SSanchez@Oaklandnet.com](mailto:SSanchez@Oaklandnet.com)

Visit the City of Oakland's web site at [www.oaklandnet.com](http://www.oaklandnet.com)



Please consider the environment before printing this email

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**From:** Sanchez, Susan  
**Sent:** Wednesday, January 11, 2012 3:08 PM  
**To:** Algbekaen, Sam; Landreth, Sabrina; Schlenk, Sarah; Byrd, Michele  
**Subject:** RE: Account Codes for D.A.C.A.

Sam

I am not trying to be difficult but please break down the numbers in each field for me. I need four sets of numbers, yet you've given me 6 sets.

FUND: 2108  
Org: 88919  
Project: 605650  
Program: YS11

Thank you.

Susan A. Sanchez  
Executive Assistant  
to the Oakland City Council  
One Frank H. Ogawa Plaza 2nd Flr.  
Oakland, CA 94612  
Tel.: 510 238-6917  
Fax.: 510 238-6129  
E-mail: [SA Sanchez@Oaklandnet.com](mailto:SA Sanchez@Oaklandnet.com)

Visit the City of Oakland's web site at [www.oaklandnet.com](http://www.oaklandnet.com)



Please consider the environment before printing this email

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**From:** Aigbekaen, Sam  
**Sent:** Wednesday, January 11, 2012 3:05 PM  
**To:** Sanchez, Susan; Landreth, Sabrina; Schlenk, Sarah; Byrd, Michele  
**Subject:** RE: Account Codes for D.A.C.A.

The account/costing codes you're requesting was already provided below. Again, here're the codes :  
1.2108.88919.51122.G05650.YS11.

Thank you,

---

Sam Aigbekaen  
City of Oakland  
Housing & Community Development Division  
Community & Economic Development Agency  
Phone -(510) 238-3786, Fax (510) 238-3691  
[saigbekaen@oaklandnet.com](mailto:saigbekaen@oaklandnet.com)

---

**From:** Sanchez, Susan  
**Sent:** Wednesday, January 11, 2012 2:55 PM  
**To:** Landreth, Sabrina; Schlenk, Sarah; Byrd, Michele  
**Cc:** Aigbekaen, Sam  
**Subject:** RE: Account Codes for D.A.C.A.

Hello,

In order for me to change the account/costing codes, Please provide the following information.

FUND:  
Org:  
Project:  
Program:

Thank you.

Susan A. Sanchez

Executive Assistant

to the Oakland City Council

One Frank H. Ogawa Plaza 2nd Flr.

Oakland, CA 94612

Tel.: 510 238-6917

Fax.: 510 238-6129

E-mail

Visit the City of Oakland's web site at [www.oaklandnet.com](http://www.oaklandnet.com)



Please consider the environment before printing this email

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**From:** Landreth, Sabrina

**Sent:** Tuesday, January 10, 2012 9:47 PM

**To:** Schlenk, Sarah; Byrd, Michele

**Cc:** Sanchez, Susan; Aigbekaen, Sam

**Subject:** Re: Account Codes for D.A.C.A.

Hi Michelle,

Hoping we can talk about this when you get a chance. Is this an approved use of CDBG? Would this be retro or starting now?

Thx,

Sabrina

Sent from my iPhone

On Jan 10, 2012, at 3:35 PM, "Schlenk, Sarah" <[SSchlenk@oaklandnet.com](mailto:sschlenk@oaklandnet.com)> wrote:

Good Afternoon,

This email authorizes the City Council office to use and enter the following coding block for payroll expenses associated with the attached seven intern employees. The current CDBG allocation is through June 30, 2012.

1.2108.88919.51122.G05650.YS11

Thank you,

Sarah

---

*Sarah T. Schlenk | Agency Administrative Manager  
Community & Economic Development Agency  
510/238-3982 | [sschlenk@oaklandnet.com](mailto:sschlenk@oaklandnet.com)*

---

**From:** Aigbekaen, Sam

**Sent:** Tuesday, January 10, 2012 2:19 PM

**To:** Schlenk, Sarah

**Subject:** FW: Account Codes for D.A.C.A.

Hi Sarah,

We spoke. Here's the CDBG funding code for District 6 D.A.C.A employees:  
1.2108.88919.51111.G05650.YS11. I will prepare the necessary BCR to move funds to cover staff charges.

Attached you will find the e-mail from Councilmember Brook's Office and the staff names.

Thank you,

---

Sam Aigbekaen  
City of Oakland  
Housing & Community Development Division  
Community & Economic Development Agency  
Phone -(510) 238-3786, Fax (510) 238-3691  
[saigbekaen@oaklandnet.com](mailto:saigbekaen@oaklandnet.com)

---

**From:** Aigbekaen, Sam  
**Sent:** Monday, December 19, 2011 4:36 PM  
**To:** Sanchez, Susan  
**Cc:** Garzon, Clara  
**Subject:** FW: Account Codes for D.A.C.A.

Hi Susan,

These're District 6 staff and CDBG is funding staff costs. Please let me know if you still have questions.

Thank you,

---

Sam Aigbekaen  
City of Oakland  
Housing & Community Development Division  
Community & Economic Development Agency  
Phone -(510) 238-3786, Fax (510) 238-3691  
[saigbekaen@oaklandnet.com](mailto:saigbekaen@oaklandnet.com)

---

**From:** Garzon, Clara  
**Sent:** Monday, December 19, 2011 12:54 PM  
**To:** Aigbekaen, Sam  
**Subject:** FW: Account Codes for D.A.C.A.

Hi Sam,  
Do you have the answer to Susan's question below?  
Thanks,  
Clara

*Clara P. Garzon*  
Assistant to  
Vice Mayor Desley Brooks  
Oakland City Council Office, District 6  
City Hall  
1 Frank H. Ogawa Plaza - 2nd floor  
Oakland, CA 94612

Office: (510) 238-3971  
Fax: (510) 238-6129  
[cgarzon@oaklandnet.com](mailto:cgarzon@oaklandnet.com)

---

**From:** Sanchez, Susan  
**Sent:** Monday, December 19, 2011 12:24 PM  
**To:** Garzon, Clara  
**Subject:** Re: Account Codes for D.A.C.A.

Can you call and ask the question? We do not process payroll for any other dept.  
Susan A Sanchez  
Sent by using BlackBerry

---

**From:** Sanchez, Susan  
**Sent:** Monday, December 19, 2011 12:18 PM  
**To:** Garzon, Clara  
**Subject:** Re: Account Codes for D.A.C.A.

What dept is the funding coming from?  
Susan A Sanchez  
Sent by using BlackBerry

---

**From:** Garzon, Clara  
**To:** Sanchez, Susan  
**Cc:** Rosa, Joshua  
**Sent:** Mon Dec 19 11:54:55 2011  
**Subject:** FW: Account Codes for D.A.C.A.

Hi Susan,  
Please be advised that as of today, D.A.C.A. employees will be paid with the account codes below.  
Thanks,  
Clara

*Clara P. Garzon*  
Assistant to  
Vice Mayor Desley Brooks  
Oakland City Council Office, District 6  
City Hall  
1 Frank H. Ogawa Plaza - 2nd floor  
Oakland, CA 94612  
Office: (510) 238-3971  
Fax: (510) 238-6129  
[cgarzon@oaklandnet.com](mailto:cgarzon@oaklandnet.com)

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**From:** Aigbekaen, Sam  
**Sent:** Monday, December 19, 2011 11:52 AM  
**To:** Garzon, Clara  
**Cc:** Byrd, Michele  
**Subject:** RE: Account Codes for D.A.C.A.

Hi Clara,

Starting today, you can now use the following codes to pay the seven DACA employees:

1.2108.88919.51111.G05650.YS11

Please let me know if you have questions.

Thank you,

---

Sam Aigbekaen  
City of Oakland  
Housing & Community Development Division  
Community & Economic Development Agency  
Phone -(510) 238-3786, Fax (510) 238-3691  
[saigbekaen@oaklandnet.com](mailto:saigbekaen@oaklandnet.com)

---

**From:** Garzon, Clara  
**Sent:** Friday, December 16, 2011 11:16 AM  
**To:** Aigbekaen, Sam  
**Cc:** Byrd, Michele  
**Subject:** RE: Account Codes for D.A.C.A.

Hi Sam,

- 1) Hourly rate - \$25/hr. each
- 2) Total hours per week vary for each one of them depending on what each instructor has planned for the week. It varies from 6 to 20 hrs.; but no more than 20hrs.
- 3) All are part-time (CCPSE 14 PT).

Thanks,  
Clara

Clara P. Garzon  
Assistant to  
Vice Mayor Desley Brooks  
Oakland City Council Office, District 6  
City Hall  
1 Frank H. Ogawa Plaza - 2nd floor  
Oakland, CA 94612  
Office: (510) 238-3971  
Fax: (510) 238-6129  
[cgarzon@oaklandnet.com](mailto:cgarzon@oaklandnet.com)

---

**From:** Aigbekaen, Sam  
**Sent:** Friday, December 16, 2011 10:54 AM  
**To:** Garzon, Clara  
**Cc:** Byrd, Michele  
**Subject:** Account Codes for D.A.C.A.

Hi Clara,

For each D.A.C.A. employee, I need the following information:

1. Hourly rate
2. Total hours per week
3. Indicate if permanent or part time

Thank you,



---

Sam Aigbekaen  
City of Oakland  
Housing & Community Development Division  
Community & Economic Development Agency  
Phone -(510) 238-3786, Fax (510) 238-3691  
[saigbekaen@oaklandnet.com](mailto:saigbekaen@oaklandnet.com)

<DACA Employees.pdf>

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 FEB 24 AM 10:28

REVISED

Approved for Forward Legality

DRAFT

Deputy City Attorney

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

RESOLUTION AMENDING RESOLUTION NO. 83165 C.M.S. TO AUTHORIZE AN INCREASE IN THE CONTRACT WITH PULTE HOMES FOR THE CONSTRUCTION OF THE RAINBOW TEEN CENTER BY \$30,699 FROM \$121,000 TO \$151,699 TO PAY FOR PREVAILING WAGE COSTS; TO APPROPRIATE PRO-RATED ONE-TIME FUNDS FOR FY 2011-2012 IN THE AMOUNT OF \$67,000; AND AMENDING RESOLUTION 83344 C.M.S. FOR THE FY 2011 ANNUAL ACTION PLAN, SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) WHICH INCLUDED THE FY 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATIONS, TO ASSIGN \$48,000 OF \$62,250 EARMARKED FOR THE OAKLAND CITIZENS COMMITTEE FOR URBAN RENEWAL (OCCUR) TO THE OFFICE OF PARKS & RECREATION IN ORDER TO PROVIDE FUNDING FOR THE RAINBOW TEEN CENTER, IF PERMISSIBLE UNDER CDBG REGULATIONS, FOR EXPENDITURES FOR PERIOD JULY 1, 2011 – JUNE 30, 2013

**WHEREAS**, the City of Oakland acquired the former child care and medical facility at 5818 International Boulevard with Redevelopment Agency funds in 2007 to provide a Rainbow Teen Center with a kitchen and recording and television training studios for Central East Oakland teens as part of the Oakland program to increase youth recreation activities; and

**WHEREAS**, in the spring of 2010 Pulte Homes partnered with Rebuilding Together Oakland to renovate the property by donating management time and pooling the skills and donations of a group of contractors; and

**WHEREAS**, in procuring the labor and materials which were not donated and were needed to complete the renovation of the Teen Center, Pulte Homes incurred expenses which the City seeks to reimburse; and

**WHEREAS**, Resolution No. 83165 C.M.S. passed on January 18, 2011, waived advertising and bidding requirements and awarded a contract for the construction of the Rainbow Teen Center to Pulte Homes in an amount not to exceed \$121,000 to reimburse Pulte Homes for materials and labor expenses incurred for the project; and

**WHEREAS**, the City's Contract Compliance Department has collected payroll records from subcontractors for the project; and

**WHEREAS**, the City's Contract Compliance Department has determined that additional funds in the amount of \$30,699 should be paid to laborers on the project to comply with state prevailing wage laws; and

**WHEREAS**, the City 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 Agency assistance to City public improvement projects; and

**WHEREAS**, on May 3, 2011, City Council approved Resolution 83499 C.M.S. for the FY 2011 Annual Action Plan submitted to the U.S. Department of Housing and Urban Development (HUD) which included the FY 2011 Community Development Block Grant (CDBG) allocations; and

**WHEREAS**, as part of the approved CDBG allocations, the Community Development (CD) District Board in District 6 made a recommendation allocating \$62,250 to OCCUR of which \$48,000 was earmarked for operating the Rainbow Teen Center for period July 1, 2011 – June 30, 2013; and

**WHEREAS**, the development of the contract between the City and OCCUR for the Youth Services which included the Rainbow Teen Center has not been successful; and

**WHEREAS**, the recommended staffing level that has been deemed appropriate to continue service at the Center includes 1.0 Recreation Program Director; 1.0 Recreation Leader II-PPT, 2.0 Recreation Specialist I-PT, and 0.50 Recreation Specialist II-PT, for an annual staffing cost of approximately \$200,000; and

**WHEREAS**, one-time funding has been identified to fund the Center's operations for the remainder of FY 11-12, and this appropriation does not include maintenance, utilities, or any other O&M costs; and

**WHEREAS**, additional funding will need to be identified in the FY 12-13 Midcycle Budget to continue the Center's operations; and

**RESOLVED:** That Resolution No. 83165 C.M.S. is hereby amended to increase the amount of the contract awarded to Pulte Homes for Rainbow Teen Center interior and exterior improvements by \$30,699, from \$121,000 to \$151,699 to pay for the cost of payment of prevailing wages on the project; and be it

**FURTHER RESOLVED:** That funds in an amount not to exceed \$30,699 will be allocated from the Coliseum Capital Fund (5650) for this purpose; and be it

FURTHER RESOLVED: That the amendment increasing the contract amount shall be reviewed and approved for form and legality by the City Attorney's Office and filed in the office of the City Clerk; and be it

FURTHER RESOLVED: That funds in an amount not to exceed \$67,000 will be allocated from the OPRCA Recreation Center Operations Fund (1550) to provide staffing of the Center for the remainder of FY 11-12; and be it

FURTHER RESOLVED: That Resolution 83499 C.M.S. is hereby amended to assign \$48,000 of \$62,250 earmarked for OCCUR to the Office of Parks & Recreation in order to provide funding for the Rainbow Teen Center, if permissible under CDBG regulations, for expenditures for period July 1, 2011 – June 30, 2013.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL,  
SCHAAF, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California