



**Oakland Police Department:
Missed Opportunities
with Technology**

**Hasty Council Decision
on Billboards
Costs Oakland Millions**

**Alameda County
Staffing Vacancy Rate
Causes Concern**

**Great Expectations for the
Alameda County
Probation Department**

**Hurry up and Wait:
Ambulance Service Delayed
by Long Turn-Around Times
at Emergency Rooms**

**Jail Inspections in
Alameda County**

**2023-2024
ALAMEDA COUNTY GRAND JURY
FINAL REPORT**

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2023-2024 Alameda County Grand Jury Final Report



Rene C. Davidson Courthouse, Oakland, CA

ALAMEDA COUNTY BOARD OF SUPERVISORS

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ALAMEDA COUNTY GRAND JURY

1401 Lakeside Drive, Suite 1104

Oakland, California 94612

Phone: 510-272-6259 | email: grandjury@acgov.org

Website: acgov.org/grandjury

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Alameda County
Grand Jury

1401 Lakeside Drive
Suite 1104
Oakland, California 94612

510.272.6259
fax 510.465.9647
www.acgov.org/grandjury

June 24, 2024

Hon. Thomas Nixon, Presiding Judge
Alameda County Superior Court
1225 Fallon Street, Dept. One
Oakland, CA 94612

Dear Judge Nixon,

The 2023-2024 Alameda County Civil Grand Jury is pleased to forward our completed report to the Superior Court and the citizens of Alameda County.

Each year the grand jury takes on citizen complaints regarding our local government, spanning county and municipal departments. Our effort is not to criticize government but to present opportunities for government to function more efficiently in the delivery of its services to its citizens.

A challenge for every grand jury is deciding which cases to take on, with the hope that the selected cases make a meaningful difference. With that in mind, the grand jury selected 10 cases to investigate, ultimately delivering five complete reports during this term, along with a compulsory inspection of select county jails.

This dedicated group of community volunteers interviewed over 100 witnesses, reviewed thousands of pages of documents and countless hours of research related to the investigations we conducted. While not all of our investigations resulted in a report, we believe our conversations with county and municipal leaders help inform them of concerns that are coming from the public. During our term, we identified areas that may be of interest to next year's grand jury and have submitted those complaints for their consideration.

When local government succeeds, we all benefit, and the civil grand jury is an opportunity for normal citizens to do work that impacts the 1.6 million residents of Alameda County. With that in mind, the grand jury needs you - citizen participation is what makes the grand jury possible, whether in the form of filing a complaint or serving on the panel. I encourage all citizens to read not only this year's report but also prior reports as a way to stay in touch with how our local government functions and to keep our government accountable.

It has been an honor to serve as the term's foreperson. A huge thank you goes out to my colleagues who served on this year's panel. These dedicated citizens have spent a full year

Hon. Thomas Nixon
Page two
June 24, 2024

working on cases and ultimately publishing our findings. This year's panel brought a wealth of experience along with a tremendous work ethic to thoroughly investigate our presented reports.

While the grand jury conducts its investigations, it's not without a tremendous amount of professional guidance and support from our legal advisor, Assistant District Attorney Kwixuan Maloof, and our Senior Program Specialist Cassie Barner. Their experience, guidance and dedication make this report possible.

The 2023-2024 grand jury is proud to present our report, and we hope it will result in positive, meaningful changes for the citizens of Alameda County.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Cohen', with a stylized flourish extending to the right.

Adam Cohen, Foreperson
2023-2024 Alameda County Grand Jury

2023-2024 ALAMEDA COUNTY GRAND JURY MEMBER ROSTER

Name	City
Robert Anderson*	Berkeley
Daniel A. Ballinger	Alameda
Dale Benveniste*	Oakland
Oscar Brown*	Oakland
Adam Cohen	Oakland
Barbara F. Cohen	Oakland
Jonathan W. Cohen	Berkeley
Basudeb Dey*	Oakland
Tom Farris	Alameda
Susan E. Green	San Leandro
Zeenah Haddad	Berkeley
James P. Houser*	Oakland
Rabia Keeble	Oakland
Jung Lee	Alameda
Joni D. Mahler	Alameda
Randy M. Marmor	Alameda
Michelle Miranda-Albanese	Pleasanton
Frank Neuhauser	Berkeley
Brian S. O'Malley	Oakland
Roger Taranto	Berkeley
Stephen Wagner	Pleasanton
Gerald Weintraub	Berkeley
Hugo Wildmann	Berkeley
Rachelle Wilkins*	Hayward

*Resigned during the year

**2022-2023 ALAMEDA COUNTY GRAND JURY
OFFICERS AND LEGAL STAFF**



GRAND JURY OFFICERS

Foreperson:	Adam Cohen
Foreperson Pro Tem:	Frank Neuhauser
Secretary:	Michelle Miranda-Albanese
Secretary Pro Tem:	Barbara F. Cohen
Sergeant at Arms:	Tom Farris

PRESIDING JUDGES OF THE SUPERIOR COURT

Honorable Charles A. Smiley
January 1, 2022 – December 31, 2023

Honorable Thomas Nixon
January 1, 2024 - Present

GRAND JURY LEGAL STAFF

Grand Jury Legal Advisor:
Kwixuan H. Maloof, Senior Assistant District Attorney

Grand Jury Paralegal/Program Manager:
Cassie Barner, Senior Program Specialist

2023-2024 ALAMEDA COUNTY GRAND JURY COMMITTEE ASSIGNMENTS

GOVERNMENT

Jonathan W. Cohen – *Chair*
Tom Farris – *Chair Pro Tem*
Zeenah Haddad
Rabia Keeble
Jung Lee – *Secretary*
Brian S. O’Malley
Roger Taranto – *Secretary Pro Tem*
Jerry Weintraub

LAW & JUSTICE

Roger Taranto – *Chair*
Daniel A. Ballinger
Tom Farris – *Chair Pro Tem*
Susan E. Green
Zeenah Haddad
Randy M. Marmor
Michelle Miranda-Albanese – *Secretary*
Frank Neuhauser – *Secretary Pro Tem*

HEALTH & SOCIAL SERVICES

Brian S. O’Malley – *Chair*
Daniel A. Ballinger
Barbara F. Cohen – *Secretary*
Rabia Keeble – *Chair Pro Tem*
Joni D. Mahler
Frank Neuhauser – *Secretary Pro Tem*
Steve Wagner
Jerry Weintraub
Hugo Wildmann

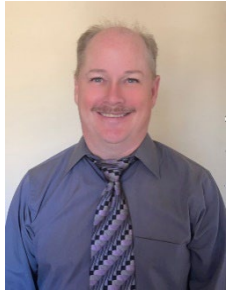
EDUCATION & ADMINISTRATION

Joni D. Mahler – *Chair*
Barbara F. Cohen – *Secretary*
Jonathan W. Cohen
Susan E. Green
Jung Lee
Randy M. Marmor
Michelle Miranda-Albanese – *Secretary Pro Tem*
Steve Wagner
Hugo Wildmann – *Chair Pro Tem*

EDIT COMMITTEE

Adam Cohen
Hugo Wildmann

2023-2024 ALAMEDA COUNTY GRAND JURY MEMBERS



Daniel Ballinger



Adam Cohen



Barbara Cohen



Jonathan Cohen



Tom Farris



Susan Green



Zeenah Haddad



Rabia Keeble



Jung Lee



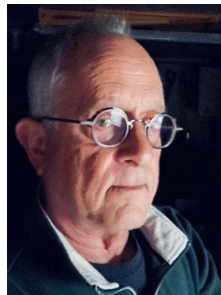
Joni Mahler



Randy Marmor



Michelle Miranda-Albanese



Frank Neuhauser



Brian O'Malley



Roger Taranto



Stephen Wagner



Gerald Weintraub



Hugo Wildmann

HASTY COUNCIL DECISION ON BILLBOARDS COSTS OAKLAND MILLIONS

EXECUTIVE SUMMARY

On June 6, 2023, in the face of a \$360 million budget shortfall, the Oakland City Council awarded billboard advertising contracts to Becker Boards (Becker) and Outfront Foster Interstate (Outfront). In so doing, the council disregarded senior staff recommendations to consider an offer from Clear Channel Communications that would have brought the city far more revenue. The selected proposal, which was not subject to competitive and public review, will pay the city about \$88 million less over the 41-year life of the agreement than the Clear Channel proposal would have. Moreover, staff found that the Clear Channel proposal was superior to Becker/Outfront's with respect to visual impact, offering more and better takedowns of existing billboards in Oakland neighborhoods. Nevertheless, the city council unanimously voted to pass a resolution to instruct staff to negotiate agreements with Becker/Outfront, which were ultimately signed by the city administrator on January 11, 2024.

A handful of nonprofit organizations, also not subject to competitive selection, will be the main beneficiaries of the agreement in the form of annual payments or free advertising that will stretch out over four decades. Two thirds of the billboard revenue is to be paid directly to these nonprofits while the city of Oakland receives only one third. The grand jury also found that a city councilmember who was a strong backer of the Becker/Outfront proposal had a spouse serving on the board of one of these nonprofits and who has been a paid consultant to another.

BACKGROUND

Oakland City Council

The Oakland City Council is the legislative branch of government for the city of 440,000 people. Its eight salaried members are elected to four-year terms from each of seven districts with one at-large representative. In November 2022, voters established a limit of three consecutive terms for councilmembers serving a district. Each year the council elects one member as president of the council and one member to serve as vice mayor.

The council approves the city budget (currently [\\$1.7 billion](#)), adopts ordinances, passes resolutions, and appoints members to boards and commissions. The council does not control executive or administrative functions for which the city administrator, mayor, and other appointed or elected officers are directly responsible.

Selection of Nonprofits for Support

Oakland has a [Direct Community Grant Program](#) that chooses community-based nonprofits for funding in a competitive, open, request for proposal process. In the past, the city has received applications for funding from over one hundred nonprofits and the city used a scoring system to determine which nonprofits would receive grants. A similar process should have been used to select nonprofits to receive billboard revenue and free advertising.

Oakland's Budget Problems

In June 2023, the same month the city council approved the Becker/Outfront deal, the Oakland City Auditor reported “The Mayor and City Council had to close a historic \$360 million budget shortfall to pass a balanced 2023-2025 Adopted Biennial Budget. Today, the city continues to feel the lingering effects of the pandemic and must confront a 5-year financial forecast that projects expenditures outpacing revenues.” A [report](#) by the city's Department of Finance in November of 2023 projected a deficit of \$129 million for fiscal year 2023-2024.

Billboards

Love them or hate them, billboards are part of the urban landscape. The San Francisco-Oakland-San Jose metropolitan area is one of the largest media markets in the USA, but the number of billboards per resident is relatively low, making billboard advertising space a valuable commodity. In many jurisdictions, it is an important revenue source. For example, in Los Angeles, revenue from billboards, to be split between the city and the LA Metro transit system, is predicted to reach \$300-500 million over 20 years. There, the revenue from billboards will be allocated to support local initiatives and public services.

The Clear Channel proposal would have given the city \$156 million in revenue over a comparable forty-one-year-term, or \$88 million more than the joint Becker-Outfront proposal.

Billboards are regulated for size, placement, illumination, driver safety, and other factors. There are approximately 145 billboards in Alameda County permitted by the California Department of Transportation (Caltrans). Caltrans has jurisdiction over freeways of the National Highway System to enforce outdoor advertising requirements under the Federal Highway Beautification Act and the state's Outdoor Advertising Act. Billboards on Oakland's city streets are regulated by Oakland's [sign code](#).

When Oakland banned new billboards in 1997, the billboard companies sued but the ban was upheld by the Ninth Circuit Court of Appeals. In 2002, the city council reversed course, allowing new billboards, including the more lucrative digital billboards, to be erected provided existing billboards were removed under “relocation agreements.” The new billboards are located in prime locations

commanding higher rent while the removed billboards are from locations with less traffic. In that way, net revenue for the companies is higher from fewer billboards.

Digital billboards allow for dynamic content changes, enabling advertisers to display multiple advertisements in rotation. Advertisers can choose specific times of the day or days of the week to display their ads, increasing the relevance and impact of the messages. Digital billboards can be updated in real-time, allowing advertisers to respond quickly to changes in promotions, events, or market conditions. This responsiveness can be a significant advantage over traditional billboards with fixed content.

In California, the billboard market is dominated by a handful of companies. In Oakland, Outfront and Clear Channel control the majority of existing billboards.

INVESTIGATION

The grand jury interviewed nine witnesses, including senior staff of the Oakland Economic and Workforce Development Department, the Planning and Building Department, the city administrator's office, members of the city council, and other elected and appointed officials. The grand jury reviewed hundreds of documents, websites, reports, correspondence, and internal and external emails. Grand jury members viewed recordings of city council, planning commission, and council committee meetings.

Timeline of Recent City Council Action Regarding Billboards

In December 2020, the city council requested that the planning commission initiate a resolution to amend the [Oakland Advertising Signs Ordinance](#). The intent was to change the process by which the city may approve the installation and operation of new billboards and to recommend amendments to the planning and municipal codes for the city administrator to incorporate into a future ordinance. The resolution's intent was to create a new framework under which the city may consider the approval of new advertising signs on private and city-owned properties in limited geographic areas. Becker Boards, in particular, wanted the existing regulations to be changed such that old billboards did not need to be taken down as a condition to the erection of new ones. As a new market entrant, it didn't have existing billboards to remove. There was a desire on the part of the city council to open the market to a new player because Outfront and Clear Channel dominated the market between them. Becker and Outfront pitched themselves directly to council members via emails, phone calls, and meetings. While Becker lobbied the city to change the billboard ordinance to give them a chance in the lucrative market, Outfront made its own proposal, based on how the city had done replacement agreements in the past, which did not require changes to the ordinance.

Over the next two- and one-half years, staff worked to carry out the intent of this resolution with the following milestones:

- On November 17, 2021, staff presented an [informational report](#) to the planning commission that described a potential permitting and approvals process for new billboards.
- In July 2022, the city received a written proposal from Outfront for development of four double-sided digital signs (eight faces) on city property via a relocation agreement over a forty-year term. Outfront estimated the four new structures would generate up to \$1 million per year in city revenue and would remove 32 existing billboards in Oakland neighborhoods. The use of city property likely would have triggered a requirement for a request for proposal process which Becker Boards adamantly opposed in emails to council members.
- On October 19, 2022, staff proposed to the planning commission [new regulations](#) governing the review and approval of new or relocated advertising signs through a competitive request for proposals process. The planning commission adopted an alternative approach in lieu of the staff recommendation.
- On Feb 15, 2023, staff returned to the planning commission with [revised recommendations](#). They would include recommended location and design standards for new billboards.
- Ultimately, no changes were made to the Oakland Advertising Signs Ordinance.

During this time, Becker assembled a coalition of nonprofit organizations and private property owners who would potentially benefit from its proposal, and who sent letters of support to council members. This coalition included the Native American Health center (NAHC), which previously employed the spouse of a city councilmember as a paid consultant, while the councilmember's adult child was also actively involved with the organization. NAHC was involved from the beginning of the effort to amend the ordinance. The grand jury could find no evidence that these potential conflicts of interest were ever disclosed to the other council members or the public.

Once it became clear the ordinance would not be amended, Becker joined forces with Outfront (which it had previously excoriated as a monopolist) and presented a proposal for new double-sided digital billboards that would generate revenue for and provide free advertising to members of the coalition of nonprofits. The terms of the deal were not submitted in the form of a formal proposal. Instead, a resolution ready for passage by the city council was drafted by the billboard companies in the spring of 2023.

In April 2023 the city received two additional billboard proposals from Clear Channel and Champion Outdoor. At this point the city could choose between three alternatives: Becker/Outfront, Clear Channel, and Champion. Staff negotiated with all three companies, and the negotiated terms are summarized in the table below. Staff presented these alternatives to Oakland’s Community and Economic Development Committee meeting on May 23, 2023.

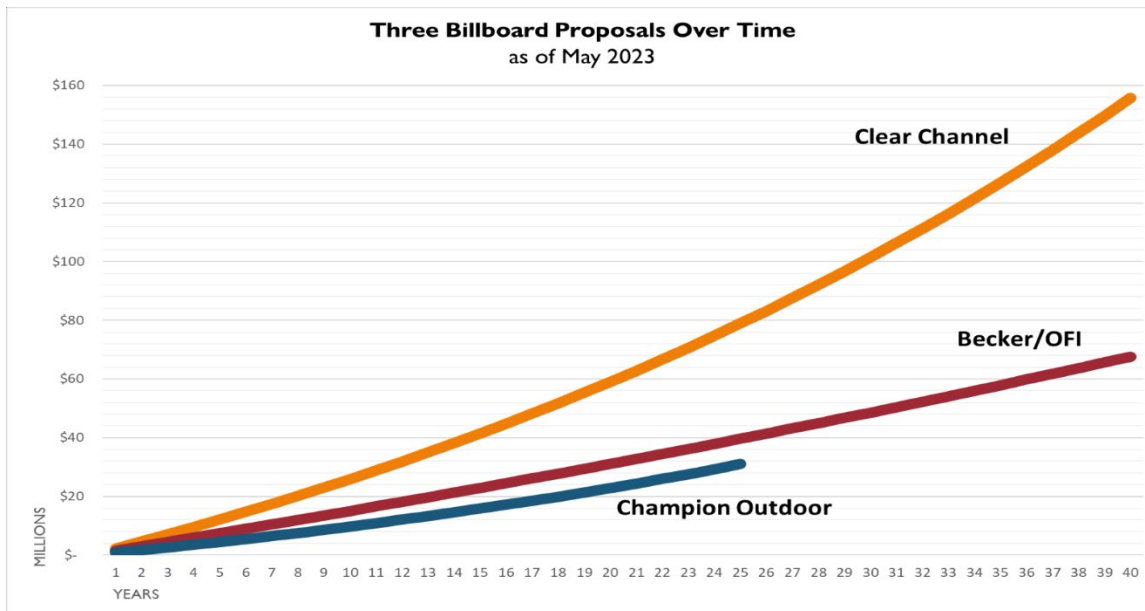
Comparison of Billboard Proposals as of May 2023

Company	No. of new billboard faces	Term of agreement	Escalation provision for city revenue	Initial city revenue per face	Initial city revenue per year	Revenue over term
Becker/Outfront	20	31 years + 10-year extension at company option	4.5% every 5 years starting in year 6. Equivalent to 0.6% annually**	\$75,000	\$1.5 million	\$68 million
Clear Channel	18	30 years	2.5% annually	\$128,333	\$2.31 million	\$156 million
Champion Outdoor*	10	25 years	3% annually	\$85,000	\$850,000	\$32 million

Data compiled from Oakland staff reports.

*The Champion proposal was not considered by city staff to be a viable option.

**Amended by CED committee of the city council to 5% every 5 years starting in year 6 (equivalent to 1% annually).



Graph reflects data compiled from Oakland staff reports.

As the chart indicates, the Clear Channel proposal would have given the city \$156 million in revenue over a comparable forty-one-year-term, or \$88 million more than the joint Becker/Outfront proposal. Additionally, the Clear Channel proposal minimized visual impacts

by focusing on conversion of existing signs, adding only two new advertising structures, and removing more signs from Oakland neighborhoods. The Becker/Outfront agreement will add ten new double-sided structures and remove far less total square footage of signs. The Clear

Channel proposal would remove 76 large faces totaling 20,664 square feet of signage, whereas Becker/Outfront would remove 50 small faces, totaling only 2,750 square feet.

The grand jury discovered possible conflicts of interest and a potential violation of the Oakland Public Ethics Act involving one of the city council members who was a strong advocate of the Becker/Outfront proposal.

After extensive analysis, city staff concluded that the Clear Channel proposal was the strongest by a large margin in terms of both revenue and visual impact on the city. The recommendations were prepared by Oakland’s Economic and Workforce Development Department and the planning and building department in coordination with the office of the city attorney and published in the form of [Supplemental Information Reports](#) dated May 12, 2023, and May 31, 2023. The first report stated that “The

Clear Channel proposal is the strongest proposal by a significant margin in terms of both revenue and visual impacts on the City” and the second report stated, “The analysis concluded that the Clear Channel proposal would result in \$88 million more revenue for the City and ... nonprofit partners than the Becker-OFI proposal over the full forty-one (41) year term ...while minimizing visual impacts to the City.”

To supplement in-house expertise, the city hired a consulting firm with extensive knowledge of and forty years of experience in the billboard industry. In this way, staff’s recommendations to the city council were informed by expert analysis. The firm had previously advised Oakland on smaller deals. The consulting firm’s president is a recognized expert who advises public entities on the economics of static and digital billboards. The firm concluded that the Becker/Outfront proposal was not up to market standards in terms of compensation to the city. It advised the city to devise a competitive request for proposals (RFP) process to select a billboard provider and conveyed that thinking directly to elected officials. Nevertheless, the city never created a formal process for soliciting proposals. An Oakland elected city official told the grand jury that the city is “lacking a process” for billboard procurement and that there should have been a formal, points-ranked RFP.



Digital Billboard in Oakland, CA

The Becker/Outfront proposal offered half as much revenue but with more visual impact on the city because it would create more square footage of billboards. Accepting the Becker/Outfront proposal in lieu of the Clear Channel proposal would leave \$53 million of

guaranteed revenue on the table over 30 years or \$88 million over 41 years, funds which would otherwise be available to the city to spend on other priorities, including, if it wished, distribution to community groups selected on a competitive basis.

At the May 23, 2023, meeting of the city council's Economic and Development Committee, Becker/Outfront was allowed to make a presentation and used part of its time to disparage Clear Channel's proposal. Becker/Outfront maintained that most of Clear Channel's proposed sites were in conflict with the California Department of Transportation (Caltrans) regulations or for some other reason were nonviable. Clear Channel was not allowed to make a presentation or rebut Becker/Outfront's allegations at the hearing. The nonprofit groups demonstrated in favor of Becker/Outfront, calling Clear Channel a "monopoly" even though Outfront is similar in size. Nationally, in fact, Outfront has a bigger market share. If Clear Channel dominates the Oakland market, it's only because the city council passed multiple relocation agreements with it over the years. As noted above, before joining forces with them, Becker called Outfront "monopolistic" in emails to a council member during its lobbying efforts during 2021-2023.

In the two weeks between the committee hearing and the full city council meeting, city staff researched the allegation that certain Clear Channel sites were nonviable due to Caltrans regulations or other constraints. Staff concluded, in consultation with Caltrans, that the Becker/Outfront allegations were overstated and that most of the Clear Channel sites were viable or could be easily substituted with alternatives that were also viable. Additionally, not all the Becker/Outfront sites were viable either. Given time, all three companies, working with staff, could have "cured" their proposals with sites that were viable and comparable.

Council members supporting the Becker/Outfront proposal prepared two "Agenda Reports" in support of the proposal. The first made no mention of the Clear Channel proposal; the second incorporated the criticisms of the Clear Channel proposal made by Becker/Outfront. Email communications between the councilmembers and representatives of Becker/Outfront



Digital Billboard Along Highway 880, Oakland, CA

indicated that much of the information in the reports came from Becker/Outfront. No mention is made in either report of Clear Channel's responses to the criticisms. At the June 6, 2023, full council [meeting](#), members passed the measure unanimously on the consent calendar with no discussion. The consent calendar is that portion of a meeting agenda that typically includes routine and non-controversial items. Items are grouped together, and the council can approve them all at once with a single vote, without individual discussion or debate. Any member of the council could have lifted the item from the consent calendar and the council could have considered its options, debated the relative merits,

asked for more information, or put the matter aside for consideration at a subsequent meeting. No member did this, and subsequently the council approved a measure that would deprive Oakland of millions of dollars of revenue over many years.

In its investigation, the grand jury discovered possible conflicts of interest and a potential violation of the Oakland Public Ethics Act involving one of the city council members who was a strong advocate of the Becker/Outfront proposal. At the time of the council action, this official's spouse was serving on the board of one of the nonprofit recipients, and during 2021, when heavy lobbying was taking place, was a paid consultant to another.

Annual payments under the Becker/Outfront deal	
Native American Health Center*	\$200,000 / year
Movement Strategy Center Career Technical Education Transitional Age Youth Hub	\$200,000 / year
Asian Health Services	\$100,000 / year
The West Oakland Health Council	\$100,000 / year
La Clinica de la Raza	\$100,000 / year
Roots Community Health Center	\$100,000 / year
Oakland LGBTQ Center Glenn Burke Wellness Center	\$100,000 / year
Oakland School for the Arts	\$100,000 / year
The city's general fund will get \$500,000 per year.	

* Councilmember's spouse was a paid consultant to this organization during deal negotiation, according to IRS filings.

Free Advertising under the Becker/Outfront deal
The Unity Council
Oakland African American Chamber of Commerce
Oakland Chinatown Chamber of Commerce
Oakland Latino Chamber of Commerce **
Oakland Vietnamese Chamber of Commerce
Oakland Metropolitan Chamber of Commerce
Black Cultural Zone Community Development Corporation
Visit Oakland
City of Oakland

** Councilmember's spouse was on the board of this organization during negotiation and voting.

While these are worthy organizations, it should be noted that none of the people interviewed, and none of the numerous documents reviewed gave any reason why the above income streams and free advertising could not have been incorporated into the more lucrative Clear Channel proposal. Also, there is no reason that the same nonprofits could not have been chosen through the Direct Community Grant Program, with all the transparency and safeguards that the program offers.

CONCLUSION

The Oakland City Council did not act in the best interests of the city in selecting Becker/Outfront over Clear Channel. It was irresponsible of the city council to pass up \$88 million over the extended term that could have been used for any purpose. Evidence reviewed by the grand jury showed that city councilmembers paid more attention to lobbyists for Becker and Outfront than they did to the city's own staff. In fact, the Becker/Outfront deal was never put into the form of a written proposal; instead, the companies wrote their terms into the very resolution passed by the city council.

The city council abdicated responsibility for selecting the nonprofits to receive substantial amounts of public funds. There should have been a points-based, open competition for these funds.

The council should have debated the different proposals, instead of passing one opaquely on the consent calendar. The city did not give Clear Channel an opportunity to make its case or defend its proposal in a public hearing. Additionally, a city councilmember potentially violated the City of Oakland Government Ethics Act section 2.25.040(A) and section 2.25.040(C), by not publicly disclosing that this official's spouse was serving on the board of one of the nonprofits and was a paid consultant to another. Finally, this councilmember delayed providing information to the grand jury for four months, even after the city attorney's office intervened. Section 2.25.040 states as follows:

2.25.040(A): "Financial Conflicts of Interests. A Public Servant shall not make, participate in making, or seek to influence a decision of the City in which the Public Servant has a financial interest within the meaning of the California Political Reform Act, Government Code Section 87100 et seq. and pursuant to City Charter Section 1200. All provisions of California Government Code Section 87100-87505 and City Charter Section 1200, as they relate to Public Servants, are incorporated by reference into this Act."

2.25.040(C): "Conflicts of Interests in Contracting. A Public Servant shall not make or participate in making a contract in which he or she has a financial interest within the meaning of California Government Code Sections 1090-1097. All provisions of California Government Code Section 1090-1097, as the Sections relate to Public Servants, are incorporated by reference into this Act."

FINDINGS

Finding 24-9:

The Oakland City Council disregarded expert city staff and an impartial consultant's recommendations to select Becker/Outfront over an option that would have paid the city substantially more money with less visual impact.

Finding 24-10:

Out of public view, the Oakland City Council used a non-competitive process to select a revenue producing billboard provider.

Finding 24-11:

Out of public view, the Oakland City Council used a non-competitive process to select nonprofit organizations to receive billboard revenue and free advertising space.

Finding 24-12:

An Oakland City Council member should have recused themselves from consideration of nonprofit recipients because their spouse has been a board member of one of the organizations and has been a paid consultant to another.

Finding 25-13:

The Oakland City Council allowed lobbyists for billboard companies to have undue influence over the process by providing content and language that was inserted verbatim into official council documents.

RECOMMENDATIONS

Recommendation 24-7:

The Oakland City Council must take into consideration the expert advice of staff and consultants before passing legislation and resolutions. When staff recommendations show large differences in potential revenue from competing proposals, such matters should not be put on the consent calendar. There must be council deliberation and debate on such items.

Recommendation 24-8:

When choosing providers of revenue-generating resources such as billboard advertising rights, the Oakland City Council must use a competitive request for proposal with written criteria for selection, submission requirements, deadlines, and head-to-head comparisons of competing proposals as analyzed by expert staff.

Recommendation 24-9:

When selecting nonprofit entities to receive city resources, the Oakland City Council must use an open and transparent process that is accessible to all Oakland nonprofits. Selection criteria, submission requirements, deadlines, and head-to-head comparisons of competing proposals must be made public.

Recommendation 24-10:

Oakland City Council members must disclose conflicts of interest, including close family connections, prior to awarding contracts, exclusive negotiating rights, or relocation agreements.

Recommendation 24-11:

In an effort to maintain transparency, the Oakland City Council must disclose when lobbyists with an interest in pending legislation provide specific content or language for official reports, memos, resolutions, or other documents.

RESPONSES REQUIRED

Oakland City Council	Findings 24-9 through 24-13 Recommendations 24-7 through 24-11
Oakland Mayor	Findings 24-9 through 24-13 Recommendations 24-7 through 24-11

RESPONSE REQUIREMENTS – CA PENAL CODE SECTION 933.05

Pursuant to California Penal Code section 933.05, the grand jury requests each entity or individual named to respond to the enumerated Findings and Recommendations within the specific statutory guidelines, no later than 90 days from the public release date of this report.

As to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

As to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.