



Oakland-Alameda
County Coliseum
Authority

January 9, 2019

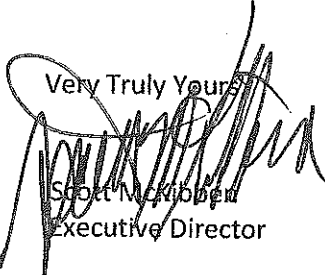
Honorable Wynne Carvill
Presiding Judge
Superior Court of California
County of Alameda
1225 Fallon Street, Department One
Oakland, CA 94612

Dear Judge Jacobson:

Section 933 of the California Penal Code requires the Oakland Alameda County Coliseum Authority "OACCA" to formally comment on Grand Jury findings and recommendations which pertain to matters under the control and authority of OACCA.

In accordance with this statutory directive, I am hereby formally submitting OACCA's response to the 2016-17 Grand Jury Report addressing several areas under control and authority of Oakland Alameda County Coliseum Authority.

The Authority's responses were approved by OACCA Board of Commissioners at its meeting on January 18, 2019.

Very Truly Yours

Scott McRoberts
Executive Director

Attachment

cc: Jane Cosgriff Sullwold, Foreperson, Alameda County Grand Jury
Donna Ziegler, County Counsel
Other Members, OACCA Board Members

OAKLAND ALAMEDA COUNTY COLISEUM AUTHORITY
RESPONSE TO THE 2017-2018 ALAMEDA COUNTY GRAND JURY REPORT
"COLISEUM TICKET BONANZA"

Finding 18-13: The JPA ticket policy allows elected and appointed officials and their staff members to attend multiple high-value events for the purpose of "inspecting," "reviewing," or "evaluating" the facilities when no reports are ever generated after the events about the conditions observed.

OACCA Response to Finding 18-13:

The Oakland-Alameda County Coliseum Authority ("OACCA", "JPA", or the "Authority") agrees that the JPA ticket policy allows Authority Officials and their staff to receive tickets for the purpose of inspecting, reviewing, or evaluating the Coliseum Complex facilities. The OACCA's "Policy for the Distribution of Tickets" identifies nine purposes for which the use of tickets by Authority officials accomplishes a public purpose of the OACCA: (1) to supervise the managing agent; (2) to insure that all duties of the licensees are fulfilled; (3) to investigate the efficiencies of the operations of the various sporting and other events that occur at the Coliseum Complex; (4) to promote the Coliseum Complex for use by the general public and businesses to maximize revenues; (5) to provide opportunities to community groups to utilize the facility; (6) to review the performance of food and beverage concessionaries; (7) to observe the conduct of the managing agents' employees and subcontractors; (8) to provide incentives to City and County employees that provide services to the Authority; and (9) to investigate complaints of the Warriors, the Raiders and the Oakland Athletics about the Complex. Inspecting, reviewing or evaluating the facilities fall squarely within these listed public purposes. The OACCA's "Policy for the Distribution of Tickets" does not require a report (written or oral) at the conclusion the event attended, but oral reports have been made to the .

Finding 18-14: Free tickets often are used as a perk of office or employment, rather than a public asset to be managed and utilized for a public purpose as required by law.

OACCA Response to Finding 18-14: The OACCA agrees that Coliseum event tickets are often used "to provide incentives to City and County employees" as a permitted public purpose consistent with OACCA's "Policy for the Distribution of Tickets"(as noted above). The OACCA disagrees that such was as a perk of office or employment.

Finding 18-15: Some 802 forms are carelessly prepared, and omit or erroneously report important information such as dates of events, number of tickets distributed, the name of the event, the identity of the actual recipient, or the public purpose for which the tickets were used, undermining the goal of transparency required by FPPC regulation 18944.1.

OACCA Response to Finding 18-15: The OACCA agrees that some (but not all) 802 forms may be unintentionally lacking information and acknowledges that improved record keeping, training, and review of ticket use may be warranted.

Finding 18-16: The 802 forms often do not account for all of the tickets to Arena and Coliseum events in the JPA luxury suites, indicating either that valuable resources have been wasted, or the tickets were used but not accounted for. No one is responsible for ensuring that all tickets to all events have been correctly and accurately reported.

OACCA Response to Finding 18-16: The OACCA agrees that its records do not contained some (but not all) 802 forms for every ticket available to the OACCA. The OACCA agrees that no one person is responsible for ensuring that all tickets have been properly reported. .

Finding 18-17: The JPA ticket policy lists reasons for attending events that are vague and lack credibility.

OACCA Response to Finding 18-17: The OACCA does not agree that its “Policy for the Distribution of Tickets” is vague or lacks credibility. The OACCA ticket policy conforms with applicable Fair Political Practices Act regulations and provides reasonable bases to serve appropriate public purposes, as listed in the Policy.

Finding 18-18: The JPA ticket policy does not contain limitations on the number of tickets that can be used by officials and employees, allowing tickets to be used by the same individuals over and over again.

OACCA Response to Finding 18-18: The OACCA agrees that its ticket Policy does not include a numerical limitation on the use of tickets by officials or employees, but each such use is consistent with the OACCA “Policy for Distribution of Tickets.”

Finding 18-19: The JPA has no defined procedures and practices for offering tickets to worthy community organizations and individuals, or county employees other than those working directly for the officials who distribute them. Distribution practices vary from office to office.

OACCA Response to Finding 18-19: The OACCA agrees with this finding, although it does have an informal practice for distributing tickets to community organizations and individuals, or OACCA staff.

Finding 18-20: Although the JPA claims an important public purpose for the tickets is to give them to worthy community-based organizations for use as fundraisers, the 802 forms show that high-value tickets with the biggest fundraising potential are seldom distributed to non-profits or schools, especially the most valuable playoff tickets.

OACCA Response to Finding 18-20: The OACCA agrees with this finding but adds that the OACCA “Policy for Distribution of Tickets” has 9 public purposes and does not prioritize any one public purpose (such as fundraising value) over others.

Recommendation 18-15: The JPA must revise its ticket policies to:

- Establish central ticket distribution systems that accept applications or nominations from all interested employees and worthy community groups who would like to receive tickets, and a policy that distributes the tickets fairly among those individuals and groups.

- Limit appropriately the number of tickets officials and employees can use to attend events in one season.
- Require that officials and employees who use tickets for purposes relating to inspection or oversight of the facilities submit written reports of their findings.
- Track the fundraising results when tickets are given to community-based organizations for that purpose.
- Otherwise conform their policies, where applicable, to the recommendations of the Oakland Public Ethics Commission in its April 2017 report.

OACCA Response to Recommendation 18-15: While the OACCA is generally in agreement with this Recommendation, it believes further analysis is required – particularly regarding the Oakland Public Ethics Commission report. To that end, the JPA Executive Director formed an advisory body to formulate a revised ticket policy to make recommendations to Authority Board. It is anticipated that a revised policy will be considered for adoption by the Authority Board in early 2019.

Recommendation 18-16: The JPA must provide employees who provide FPPC 802 forms training on the proper way to fill out the forms, and on the need for accuracy, and must institute systems to ensure that all distributed tickets are reported on filed 802 forms.

OACCA Response to Recommendation 18-16: The portion of the recommendation requiring “employee” training will not be implemented because the OACCA does not have any employees. After the JPA Board adopts a revised ticket policy and within the next six months, the JPA will implement a portion of this recommendation by conducting training to Authority Officials who are eligible to receive tickets from the Authority. Additionally, the OACCA anticipates that the revised ticket policy will include a system designed to better track the reporting of distributed tickets on filed 802 forms.

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY

RESOLUTION NO. 2019- 1

RESOLUTION APPROVING THE AUTHORITY'S RESPONSE TO THE 2017-18 GRAND JURY FINAL REPORT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TRANSMIT THE AUTHORITY'S RESPONSE TO THE PRESIDING JUDGE OF THE SUPERIOR COURT, ALAMEDA COUNTY

WHEREAS, the Amended and Restated Joint Exercise of Powers Agreement ("JPA Agreement") between the City of Oakland ("City") and the County of Alameda ("County") established the Oakland-Alameda County Coliseum Authority ("Authority") whose powers are exercised by a Board of Commissioners appointed by the City and the County; and

WHEREAS, Section 933 of the California Penal Code requires the Authority to formally comment on Grand Jury findings and recommendations which pertain to matters under the control and authority of the Authority; and

WHEREAS, a portion of the 2017-18 Grand Jury Final Report contained a report captioned "Coliseum Ticket Bonanza" that pertained to matters under the control and authority of the Authority and to which the Authority is required to respond;

NOW THEREFORE BE IT RESOLVED that Board accepts and approves the Authority's Response, a copy of which is attached to this Resolution, to that portion of the 2017-18 Grand Jury Final Report captioned "Coliseum Ticket Bonanza"; and

BE IT FURTHER RESOLVED that the Authority's Executive Director shall prepare a letter and transmit the Authority's Response to the Presiding Judge of the Superior Court, Alameda County.

PASSED AND ADOPTED by the governing board of the Oakland-Alameda County Coliseum Authority, this 18 day of January, 2019, by the following vote:

Ayes: Hill, Taylor, Reid, Miley, Haqqerty, Delafuente, DOBBINS

Noes: 0

Absent: 0

Abstain: 0

Nate Miley
NATE MILEY, CHAIR

ATTEST:

Ketans Kerani
SECRETARY