

Oakland-Alameda County  
Coliseum Authority

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY

BOARD OF COMMISSIONERS  
ORACLE ARENA PLAZA CLUB  
7000 COLISEUM WAY  
OAKLAND, CA 94621

Friday, January 18, 2019  
8:30 a.m.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
4. OPEN FORUM
5. REPORTS
  - 5a. Executive Director's Report
    - Coliseum Naming Rights
    - Homeless encampment/ project on Coliseum Property
  - 5b. General Manager's Report
6. NEW BUSINESS
  - 6a. 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
7. CLOSED SESSION
  - 7a. Pursuant to California Government Code Section 54956.8:  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
  
Property: 7000 Coliseum Way Oakland, CA 94621  
Agency Negotiator: Scott McKibben, Executive Director Oakland Alameda County Coliseum Authority  
Negotiating Parties: Mark Davis, Principal Owner and Managing Partner, Oakland Raiders  
Under Negotiation: Price and terms of payment for license agreement extension
  - 7b. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION  
Initiation of litigation pursuant to Subdivision (d)(4) of Government Code § 54956.9: (Five Cases)
8. REPORT FROM COUNSEL ON CLOSED SESSION
9. ADJOURNMENT

**Oakland-Alameda County  
Coliseum Authority**

**Oakland-Alameda County Coliseum Authority  
November 16, 2018  
Meeting Minutes**

**CALL TO ORDER**

Vice Chair Reid called the meeting to order at 8:31 a.m.

**ROLL CALL**

Chair Nate Miley arrived at 8:36 a.m.  
Commissioner De La Fuente  
Commissioner Haggerty  
Commissioner McElhanev

Vice Chair Reid  
Commissioner Dobbins  
Commissioner Hill arrived at 8:43 a.m.

**APPROVAL OF MINUTES**

The Oakland Alameda County Coliseum Authority minutes for October 19, 2018 were submitted for approval. Commissioner Dobbins moved to approve the minutes and Commissioner De La Fuente moved to second the motion. The minutes were approved by consensus.

**OPEN FORUM**

No Speakers

**REPORTS**

5a. Executive Director Scott McKibben, gave an update on the progress of the ad hoc ticket committee meeting. Scott informed the Board on discussions with Arena Football League possibly playing here in Oakland. Scott updated the Commissioners on Stadium Naming Rights with Ring Central located in Belmont CA. Scott also informed the Board Oracle Naming Rights will expire here for the arena in 2019

5b. General Manager's report was summarized by ED, Scott McKibben in Chris Wrights absence. The report summarized past and current events.

Chair Miley gave a summary of issues regarding the homeless encampment on Coliseum Way.

**NEW BUSINESS**

No new business

**CLOSED SESSION**

The Board moved to closed session at 8:42a.m.

**REPORT FROM COUNSEL ON CLOSED SESSION**

There was no reportable action from closed session

**ADOURNMENT**

Meeting adjourned at 9:17 a.m.



Katano Kasaine/ Secretary

**Executive Director's Report**  
**OACCA**  
**January 18, 2019**

**Coliseum / Stadium Naming Rights**

Discussions with Ring Central are ongoing and progressing. I have met with their leadership team at their corporate offices in Belmont several times in the last month to discuss details and specifics. In mid-December their executive team did an entire walk thru of the stadium and all the rights they will be acquiring. I have subsequently had two follow up meetings with the A's to get their input and keep them informed as to our progress.

Ring Central has a local sign company coming to the stadium to provide them a cost estimate to manufacture and install all the signage, they should have that estimate in the next two weeks.

At this point I am cautiously optimistic that we can get a deal done for upcoming 2019 baseball season. It is my hope and goal to bring a formal contract and terms sheet to the board no later than our March meeting.

**Homelessness Issue**

In recent months we have experienced an ongoing increase of homeless individuals on the Coliseum Way entrance to our property. The numbers have increased as have the amount of goods and items along the roadway. Without question it has become a safety hazard to both the homeless individuals and to the drivers of vehicles along Coliseum Way.

I have been asked to research the possibility of finding a spot on our property that could be developed into a small homeless village where the people could be moved to. I would like Board input on the matter so that we can collectively decide as to how to best move forward.

### **Stadium Capital Upgrades**

We are working closely with the A's on additional stadium enhancements for the upcoming season. Several seating improvements will be completed along with new Kids Zone in the southeast corner. We will also be replacing the current audio system and it will be ready opening day. All the projects except for the audio system will be paid for by the A's ...we will split the cost of the audio system and build it into our capital budget

AEG Management Oakland  
General Manager's Board Report  
January 18<sup>th</sup>, 2019

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Event Activity

11/17/18	Kevin Hart
11/25/18	Fleetwood Mac
11/28/18	Trans-Siberian Orchestra
12/11/18	Childish Gambino
12/15/18	WWE
12/16/18	Travis Scott
1/5	PBR Velocity Tour
1/12	Harlem Globetrotters

Upcoming Notable Events:

TBD	R&B Super Jam
1/18	Elton John
1/19	Harlem Globetrotters
1/24	Kelly Clarkson
1/26	Supercross
1/27	Supercross Futures
2/16	La Arrolladora
2/16	Monster Jam
2/17	Monster Jam
2/19	Panic At The Disco!
2/27	Disney On Ice: Dare to Dream
2/28	Disney On Ice: Dare to Dream
3/1	Disney On Ice: Dare to Dream
3/2	Disney On Ice: Dare to Dream
3/3	Disney On Ice: Dare to Dream
3/9	Muse
3/15	Justin Timberlake
3/30	Sonu Nigam and Neha Kakkar
4/3	Michale Buble
4/6	Arijit Singh
4/10	Weezer and the Pixies
4/12	The Millennium Tour -- B2K
4/19	Snoop Dogg
5/16	Carrie Underwood
6/3	Hillsong United
7/13	Shawn Mendes: The Tour
8/14	JoJo Siwa
9/10	Iron Maiden
9/16	Kiss

Other Topics:

- Arena Rebranding
- Suites and Sponsorship
- Festival Business

## STAFF REPORT

January 18, 2019

### **Item 6a. 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**

*Background.* In the California grand jury system, civil grand juries serve dual roles. The first role is to act as a civil watchdog of civil corruption, while the second is to investigate alleged crimes and decide whether to file an indictment against someone. In their watchdog role, grand juries may investigate local agencies, and issue findings and recommendations at the end of their investigations.

Once a civil grand jury issues a report with findings related to public agency, the agency has a legal obligation to provide a written response to the report within 90 days. In its response, the agency must indicate (1) if it agrees or disagrees, in part or wholly with any "findings" contained in the report: and, (2) if it had implemented, will implement, will study, or will not implement any recommendations contained in the report. Beyond the legally required responses, the agency may include additional information in its response if it seeks to provide an explanation or clarification regarding the subject of the report. Both the report and the agency's response are public records.

The 2017-2018 Alameda County Grand Final Report (Final Report) contains a section titled "Coliseum Ticket Bonanza" which is directed to the Oakland-Alameda County Coliseum Joint Powers Authority (JPA) and the County of Alameda (County). The Grand Jury decided to explore the issue and to exclude the City of Oakland from its Final Report in response to an "implicit challenge" in a 2017 report of the City of Oakland Public Ethics Commission Report (City Ethics Report)

The Final Report identifies three categories of problems: distribution practices, reporting practices, and uninvestigated potential tax liabilities.

*Ticket Distribution Practices:* tickets repeatedly used by the same officials/employees; no system in place to solicit applications from eligible employees or community groups, resulting in unequal distribution to groups favored by officials responsible for distributing them; and, high-value tickets seldom given to community groups for use in fundraising.

*Ticket Reporting Practices:* the ticket policy public purposes listed on the 802 forms are a "cover" for the same officials and employees to repeatedly use tickets to perform "inspections" that never result in written reports; there is no enforcement policy to ensure that the stated purposes are fulfilled or that all tickets distributed are even reported. Some 802 forms are incorrectly prepared.

*Potential Tax Liabilities:* no consideration has been given to the potential tax consequences of giving free tickets to elected officials and employees

The JPA must respond to the Final Report by January 2019, by providing comments to the presiding judge of the superior court.

As to each finding, the JPA must indicate either that it agrees with the finding or disagrees wholly or partially with the finding. If it disagrees, it must specify which portion is disputed and include an explanation for the reasons for the disagreement.

As a result of the report the JPA Board directed its Executive Director to form a committee to address the issues as presented by the Grand Jury. This committee comprised of 7 people met to review and discuss how to address the concerns and issues. The committee's assignment was to review all practices and develop a formal response to the Grand Jury.

The Authority's response is attached and will be forwarded to the Grand Jury pending the Board's approval.

*Recommendation:* Staff recommends that the Board approve the response and attached and presented.

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Scott McKibben  
Executive Director



Oakland-Alameda  
County Coliseum  
Authority

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January 9, 2019

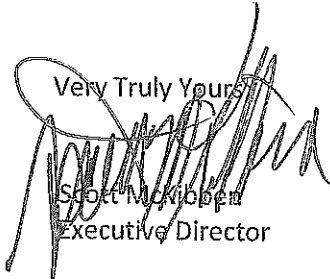
Honorable Wynne Carvill  
Presiding Judge  
Superior Court of California  
County of Alameda  
1225 Fallon Street, Department One  
Oakland, CA 94612

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 McKibben  
Executive Director

Attachment

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



OAKLAND ALMEDA 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-\_\_\_

**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 \_\_\_ day of January, 2019, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
NATE MILEY, CHAIR

ATTEST:

\_\_\_\_\_  
SECRETARY