



## PRESS RELEASE

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FOR IMMEDIATE RELEASE

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### **Alameda City Councilmember Lena Tam Accused of Misconduct in Office**

Alameda City Councilmember Lena Tam has been accused of official misconduct in office for allegedly leaking attorney-client-privileged, personnel and other confidential information to developer SunCal and others, including the International Association of Firefighters (which represents the City's firefighters in labor relations with the City), against the interests of the City of Alameda.

Mayor Beverly Johnson, Vice Mayor Doug deHaan, Councilmember Frank Matarrese, and Councilmember Marie Gilmore voted unanimously to release to the public the investigatory report that details the alleged misconduct, which was previously submitted to the Alameda County District Attorney for review. The District Attorney informed the City that it is reviewing the matter and has no objection to public release of the investigatory report. Copies of the report are available in the City Clerk's office.

The investigatory report requests that the District Attorney refer the matter to the Grand Jury for consideration pursuant to Government Code Section 3060, which authorizes removal of local government officials from office for "official misconduct." The statute was used by the Santa Clara County District Attorney in 2002 to remove then-Mountain View Mayor Mario Ambra from office for similar misconduct. The District Attorney also has the authority to file criminal charges if appropriate.

Evidence of the alleged misconduct was collected over a period of months, under the Charter authority of the City Manager. The Charter of the City of Alameda places both the authority and the duty on the City Manager to investigate the conduct and proceedings of any elected official, officer or board of the City and, if appropriate, to report the results of such investigations to law enforcement.

The evidence of alleged misconduct is largely comprised of emails between Councilmember Tam and principals of SunCal, a developer negotiating with the City to develop the former Alameda Naval Air Station, known as the Alameda Point project; John Knox White, Vice Chair of Alameda's Sunshine Task Force, which is devoted to promoting transparency in City government; IAFF local union leaders Domenick Weaver and Jeff DelBono; and community media blogger Lauren Do.

The emails were collected by the Interim City Manager when she became aware of Tam's alleged use of the City's email system to initiate what appear to be serial meetings in violation of the Ralph M. Brown Act, California's open government law for local governments. The evidence collected was independently evaluated by the City's outside counsel, Michael Colantuono, of Colantuono & Levin, who prepared an investigatory report and a supplemental report to the Alameda County District Attorney. City officials use the City's email system pursuant to a policy which authorizes the City Manager to review those emails for City purposes, including investigations of misconduct.

The City Council will be asked to take an action at its July 20, 2010 regular meeting to determine whether to continue to negotiate with developer SunCal on the redevelopment of the former Alameda Naval Air Station. Given the importance of this

decision to Alamedans and the need to review the City's legal risks in Closed Session without fear of further leaks to SunCal, the City's attorneys and the Interim City Manager brought the pending investigation to the attention of the Mayor and the City Council on July 6, 2010.

Under California law, misconduct by local officials can be remedied by the criminal justice system, the judicial removal process authorized by Government Code § 3060 initiated by the Grand Jury, and by the voters.

In discussing the matter, Mayor Beverly Johnson stated, "This is a sad day for Councilmember Tam and the City of Alameda. We look to the District Attorney and the Grand Jury to do justice in this matter."

For further information, contact Michael G. Colantuono, outside counsel to the City, (530) 432-7359

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