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December 18, 2006

Mr. David Woods
City Council Members
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303

Re: December 9, 2006 Letter to the Council from Ms. Cynthia O'Neill

Mr. Woods and Members of the Council,

I will begin my reply by stating that I took an oath of office when I became a Council Member of the City of East Palo Alto to protect and defend the City of East Palo Alto from all enemies both foreign and **domestic**. To date I have not and will not violate my oath of office.

The majority members of the East Palo Alto City Council have appointed themselves prosecutor, jury, and judge regarding the ML Gordon complaint. In doing so the Council inherited several rules, regulations and civil laws that it must obey irrespective of the Council Member personal opinions of another Council Member. At this point I have been accused by a member of the staff in a letter to the City Manager that I have read. I still have received no response to my June 27, 2006 memo to the Council in which I requested a copy of Mr. Gordon's official complaint. I asked you at that time to require an official complaint before the expenditure of \$30,000 to investigate the allegations in Mr. Gordon's letter. You did not require an official complaint, nor have I gotten any written response from anyone on this matter.

*"...Mr. Gordon's alleged complaint letter dated June 9, 2006 states:
I am in the process of filing a discrimination complaint against the City..."* (See Evans letter to City Council June 27, 2006 attached.)

I still have not seen an official complaint. I was not privy to additional charges that were brought against me, while all four of you knew about them, but NO ONE TOLD ME. You voted to censure me before you had all the facts. Only after I read the Kramer Report, and asked for the documents that were alluded to in the Report did I understand what the investigation was truly about. I got the documents on Friday afternoon, December 1, 2006 and after working at my job all weekend, I responded to the allegations by the scheduled City Council meeting on Tuesday, December 5, 2006. Please keep in mind that at no time has the City Attorney advised me of my rights. He is employed as City Attorney, not only for those who he likes. His role is to protect the City including legal advice to City Council members, i.e. the concrete batch plant. Additionally the members of the Council need to know if there is a legal violation in censuring a member before he (she) has an opportunity to respond and before all the information is before the body.

The Kramer Report states no racial comments were made to Mr. Gordon or other City employees. The Kramer Report alleged that Mr. Evans made a race-based comment to individuals who were not named. The Kramer Report did not mention that any of these individuals filed a complaint with the City, nor did it cite expertise in the area of assessing racial complaints by the person completing the report.

Further Ms. O'Neill's letter is totally incorrect. I made it very clear to Ms. Kramer that I did not recommend anything that would impact or reflect Mr. Gordon's employment with the City. I could not discuss with Ms. Kramer the retaliation charges because **I did not know about them**. I had no knowledge of a letter by a staff member concerning a non-employee who reputedly had access to personnel files. All the complaints that I got from staff were verbal. (See my attached letter of June 14, 2006). It was only after I received the documents on December 1, 2006 that I knew anything about the staff member's letter that is now a public document. So the charges of retaliation loses all of its credence **when one knows the facts**. Ms. Kramer hid from me the fact the Mr. Gordon had revised his complaint to include charges of retaliation after his original letter of June 9, 2006. She deliberately kept this information from me, and also the fact that she had interviewed several City employees and all the other City Council members. The Kramer Report says **I am guilty because I did not answer the secret charges!** The Kramer Report found that the ML Gordon complaint has no merit and the original charge of derogatory racist comments and creating a hostile work place have not been substantiated. The newly added retaliation charge is irrelevant because it was a secret among members of the staff, the majority members of the City Council and the investigator. **I was left out.**

The Kramer Report found no comments of a racial nature to City staff. The Kramer Report alleges that others doing business with the City were offended by "racist" comments, but failed to name any of them. The complaint of racial comments I am accused of does not say who I am accused of saying them to or the date, time and place I am alleged to have said them. Do these people exist?

Mr. Gordon stated in his original complaint *"that former and current Council Members respectfully seek clarity on issues that they have concerns with. Mr. Evans is the one exception to that statement which is, of course, his prerogative. However it has occurred to me that perhaps if he were to simply ask questions, prior to the public meetings, he might receive clarity on some of the issues he ultimately pursues in an intimidating manner."* One of the things that Mr. Gordon failed to cite is that during my attempts to meet with the Acting Finance Director, Ms. Stephanie Osaze all during April, 2006, City Manager James, refused to let me meet with City Department heads unless he is present. Mr. Gordon was part of this restriction created by the City Manager that provides me with only a **public contact** with the City management staff. It is apparent that before making a suggestion to me about contact with staff, Mr. Gordon should consult with the City Manager and City Attorney to decide which way they want it. Ordinarily City Council Members are not restricted in contacts with management staff, and open meetings are just that: Open.

Finally I have not been provided with enough time to reply to the final draft of these documents and will need at least thirty (30) days after the document is finalized to respond. As prosecutors, jury and judges, you have an obligation to allow me time before you censure or "condemn" me. The law allows that even for accused criminals, so you must allow time for me.

Please provide me with the following *as soon as possible* so I can prepare a response to all the charges:

1. The documentation of the "racial comments" I am accused of making
2. A copy of the audio tapes of the interviews between Mr. Gordon and Ms. Karen Kramer
3. A copy of the audio tapes of the interviews of the City Council Members and Karen Kramer
4. A copy of the audio tapes of the City Council Meetings and Budget Hearings (May 31, 2006 - July 5, 2006 as listed on Page 5 item T of the Kramer Report)
5. A copy of the Ms. Kramer's hand written interview notes of all the interviews for her Report.

Respectfully Submitted,
(signed)

A. Peter Evans
City Council Member - City of East Palo Alto

CC: Michael Lawson, Alvin James, ML Gordon, East Palo Alto Community