

# Item 11a - M2020-18; Mediation Summary



Arvon Perteet, Chair  
Michael B. MacDonald, Vice-Chair  
Charlotte Hill  
Jessica Leavitt  
Ryan Micik  
Joe Tuman

Whitney Barazoto, Executive Director

---

TO: Whitney Barazoto, Executive Director  
FROM: Jelani Killings, Ethics Analyst  
DATE: February 24, 2022  
RE: *In the Matter of the Finance Department (Case No. M2020-18); Mediation Summary*

---

## I. INTRODUCTION

On December 7, 2020, the Commission received a request for mediation alleging that the Finance Department failed to disclose records in response to a public records request made by the Requester on February 24, 2020. On December 11, 2020, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department provided the available responsive documents and provided an opportunity for the Requester to view documents that were not available digitally, this mediation request was closed with no further action.

## II. SUMMARY OF LAW

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.<sup>1</sup> The CPRA requires each agency to make public records promptly available to any person upon request.<sup>2</sup>

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of his or her request by Commission Staff.<sup>3</sup> A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.<sup>4</sup>

Once the Commission's mediation program has been concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.<sup>5</sup>

---

<sup>1</sup> Oakland Municipal Code § 2.20.010(C); California Government Code § 6250 et seq.

<sup>2</sup> Government Code § 6253(b).

<sup>3</sup> O.M.C. § 2.20.270(C)(1).

<sup>4</sup> O.M.C. § 2.20.270(F).

<sup>5</sup> Complaint Procedures § IV (C)(5).

# Item 11a - M2020-18; Mediation Summary

## III. SUMMARY OF FACTS

On February 24, 2020, the City received, via NextRequest, the following public records request (No. 20-1004):

I would like to access the two-year budgets as passed by City Council for the following cycles:

1997-1999

1999-2001

2001-2003

2003-2005

2005-2007

2007-2009

2009-2011

2011-2013

On February 25, 2020, the Finance Department released the link below providing access to all adopted policy budgets from fiscal years 2001 - 2011 :

(<http://oaknetnews.oaklandnet.com/departments/CityAdministrator/BudgetOffice/BudgetPublication/index.htm>) .

In addition, the Finance Department provided the following link stating:

<https://www.oaklandca.gov/documents/adopted-budget-archive>

Dear Requester,

Please see the FY 2011-2013 Adopted Policy Budget Book at the link above.

Subsequently, the Finance Department closed the public records request.

On, February 26, 2020, the Requester responded stating:

The link for oaklandca.gov only has the 2017-2019 budget. The other links are either for the page that lists all budgets, or the permalinks that go to a budget-specific page that doesn't have a download link for the document. The oaklandnet.com link does not work. I need electronic copies of these budget documents. Will I be able to obtain or create them for the pre-2001 budgets if I schedule an appointment? Thank you! -Isaiah Toney (510) 967-9330  
[IsaiahCToney@gmail.com](mailto:IsaiahCToney@gmail.com)

On March 9, 2020, the Finance Department reopened the public records request via NextRequest and released three additional documents including the 2011-2013, 2013-2015, and 2015-2017 adopted policy budgets.

On April 22, 2020, the Finance Department closed the public records request stating:

We released all of the requested documents.

## Item 11a - M2020-18; Mediation Summary

On November 13, 2020, roughly seven months after the request was closed, the Requester responded:

I would like this request to be reopened. The link provided for the FY 2001-2011 budgets does not work.

On December 7, 2020, the Commission received a complaint alleging that the Finance Department had failed to provide all the requested documents in response to public records request. In addition, the Requester stated:

One response from staff stated that some of the documents I requested are only available in hard copy and that I would need to schedule an appointment to view them in person.

On December 11, 2020, Staff initiated its mediation program and notified the Finance Department of the mediation request.

On December 23, 2020, the Finance Department released 10 additional budget documents in pdf form related to the public records request.

On January 24, 2022, Staff followed up with the Requester via email to confirm if they had received all the requested documents and received no response.

On January 27, 2022, Staff followed up with the Requester a second time via phone and email to see if the request had been satisfied and to notify them that the mediation request would be closed.

Subsequently, after receiving no response, Staff closed the mediation request.

#### **IV. RECOMMENDATION**

Because the Finance Department provided the responsive documents and provided additional opportunities for the Requester to view documents that were not digitally available, Staff closed the mediation request with no further action. Overall, the Finance Department was responsive to the Requester in fulfilling their request by providing multiple options to view the requested documents including links, pdf documents, and the opportunity to schedule an appointment to view hard copies.