

Item 11b - M2021-18; Mediation Summary



Arvon Perteet, Chair
Michael B. MacDonald, Vice-Chair
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Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: February 22, 2022
RE: *In the Matter of Case No. M2021-18; Mediation Summary*

I. INTRODUCTION

On August 13, 2021, the Commission received a request for mediation stating that the Requester needed a fire incident report. On August 16, 2021, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the Requester did not respond to any of Staff's communications, 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.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

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.³ 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.⁴

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.⁵

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

² Government Code § 6253(b).

³ O.M.C. § 2.20.270(C)(1).

⁴ O.M.C. § 2.20.270(F).

⁵ Complaint Procedures § IV (C)(5).

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III. SUMMARY OF FACTS

On August 13, 2021, the Commission received a mediation request stating:

I need a fire incident report from the 4th of August for my employer at Home Depot.

On August 16, 2021, Staff notified the Requester that their mediation request had been received and requested additional information pertaining to the public records request including which City official/department the request was made to and if there was an assigned NextRequest number.

On October 26, 2021, after receiving no response to the initial email, Staff followed up with the Requester via email stating:

Our office has not received a response from you regarding the mediation request you filed on August 16, 2021. We need more information from you to proceed. If we do not hear from you by Tuesday, November 2, 2021, this matter will be closed. I have attached a copy of your request.

On November 2, 2021, Staff followed up with the Requester a third time stating:

We will be closing this request. If you wish to reopen it, please submit a new mediation request. You can download the form at Request for Mediation. Thank you.

Subsequently, Staff closed the mediation request.

IV. RECOMMENDATION

Because the Requester never responded to Staff's communications, Staff closed the mediation without further action.