

Item 11d - M2021-07; Mediation Summary



Michael B. MacDonald, Chair
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Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: May 14, 2021
RE: *In the Matter of the City Administrator's Office (Case No. M2021-07);* Mediation Summary

I. INTRODUCTION

On March 24, 2021, the Commission received a request for mediation alleging that the City Administrator's Office (CAO) failed to disclose records in response to a public records request made by the Requester on July 15, 2020. On March 24, 2021, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department has provided all responsive documents per the request, Staff closed the mediation without 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 July 15, 2020 the City Administrator's Office received a public records request via email stating the following:

On July 15, 2020:

Subject: California Public Records Act Request: Oakland Peacock Emails

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

Emails sent to svasquez@oaklandca.gov from February 1, 2020, to the date this request is processed, containing the non-case sensitive keysting "peacock".

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Adrien Salzberg

On August 11, 2020, staff from the City Administrator's Office entered the public records request on NextRequest (No. 20-5125).

On March 24, 2021, the Commission received a complaint alleging that the City Administrator's Office had failed to respond to the public records request No. 20-125.

On March 24, 2021, Staff initiated its mediation program and notified the City Administrator's Office of the mediation request.

On March 25, 2021, CAO staff responded to Commission staff via email stating the following:

Thank you for this message. Responsive records for this request are compiled and I am awaiting a response from the City Attorney's Office for assistance in confirming necessary redactions and/or exemptions. I expect to be able to provide a response to this request next week, will be sure to keep you posted.

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On April 2, 2021, the City Administrator's Office released 90 documents to the Requester in response to public records request 20-5125.

On April 5, 2021, an additional six documents were released to the Requester in response to public records request 20-5125.

On April 7, 2021, an additional three documents were released to the Requester in response to public records request 20-5125. Subsequently, CAO staff closed the public records request stating:

We released all of the requested documents.

We have redacted personal information, including but not limited to, telephone numbers, social security numbers, credit card numbers and other personal identifying information pursuant to the constitutional rights of privacy and to protect against identity theft pursuant to Government Code Section 6254(c).

On April 9, 2021, and again on May 12, 2021, Staff followed up with the Requester and inquired if he had received all the responsive documents to his public records request and, if so, notified him that the PEC would be closing the mediation. On May 17, 2021, the Requester responded via email:

I've received the responsive docs and I am satisfied with this request. Thank you for your help throughout this process!

IV. RECOMMENDATION

Because the City Administrator's Office provided the responsive records for the public records request, and because the Requester indicated that he had received all the responsive documents, Staff closed the mediation without further action.