

Item 12 - M2021-11 Mediation Summary



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Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: December 28, 2021
RE: *In the Matter of the Public Works Department (Case No. M2021-11); Mediation Summary*

I. INTRODUCTION

On May 20, 2021, the Commission received a request for mediation alleging that the City's Public Works Department failed to disclose records in response to a public records request made by the Requester on April 8, 2021. On May 20, 2021, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department provided the 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).

Item 12 - M2021-11 Mediation Summary

III. SUMMARY OF FACTS

On April 8, 2021, the City received, via web, the following public records request (No. 21-3176):

All invoices from CARES Act grant recipient Beautification Council sent to the City of Oakland between 7/1/2020 and 2/1/2021. If redactions are necessary, please supply the rationale for the redactions and the relevant legal justification.

On May 11, 2021, the Public Works Department sent a message to the Requester via NextRequest stating:

The Oakland Public Works Dept. is continuing to work on this request, documents will be uploaded as they become available. Thanks for patience!

On May 19, 2021, The Public Works Department released one responsive document to the Requester stating:

We have redacted personal information, including but not limited to, telephone numbers, social security numbers, credit card numbers, email addresses 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).

The Government Code provided is the justification for the redactions.

We are continuing to work on this request and will upload any additional information as it becomes available.

On May 20, 2021, the Commission received a complaint alleging that the Public Works Department had erroneously redacted documents for unsubstantiated reasons.

On May 20, 2021, Staff initiated its mediation program and notified the Public Works Department of the mediation request.

On May 24, 2021, the Public Works Department released an additional document in response to PRR 21-3176.

On May 26, 2021, the Public Works Department released an additional two documents in response to PRR 21-3176.

On June 9, 2021, the Public Works Department released an additional two documents in response to PRR 21-3176.

On June 18, 2021, the Public Works Department released an additional document in response to PRR 21-3176.

On June 22, 2021, the Public Work Department closed the request stating:

Item 12 - M2021-11 Mediation Summary

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 October 26, 2021, Staff followed up with the Requester regarding their public records request and informed them that the mediation would be closed. The Requester had no further inquiries and acknowledged closure of the request.

IV. RECOMMENDATION

Because the Public Works provided the responsive documents, and because the Requester had no further inquiry for responsive documents, Staff closed the mediation without further action.