

Item #11c - Mediation Summary M2020-14



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Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: April 20, 2021
RE: *In the Matter of the Planning and Building Department (Case No. M2020-14); Mediation Summary*

I. INTRODUCTION

On September 10, 2020, the Commission received a request for mediation alleging that the Planning and Building Department failed to provide records in the requested format in response to a public records request made by the Requester on September 1, 2020. On September 14, 2020, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department has provided the responsive documents per the request, Staff has 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 September 1, 2020, the City received, via NextRequest, the following public records request (No. 20-5824):

Please provide a different format for this document released in Request 19-2604. The current format can not be opened or accessed.

RE Planning Question - 1720 Macarthur Blvd (inside Alternheim Senior Center) Oakland CA 94602 APN...

Please provide the following pdf documents as an original **color** pdf that were released in Request 19-2604.

DS190182 statements.pdf

DS15 COMPLIANCE.pdf

On September 7, 2020, the Planning and Building Department released seven responsive documents to the Requester.

On September 10, 2020, the Commission received a mediation request stating the following:

Records provided were not in the format requested or missing.

On September 14, 2020, Staff initiated its mediation program and notified the Planning and Building Department of the mediation request.

On September 23, 2020, the Planning and Building Department released an additional document in response to the records request.

The additional record released to the Requester appears to provide the accessibility that the Requester was seeking.

On April 16, 2021, Staff followed up with the Requester and inquired if she had received all the responsive documents to her public record request and, if so, notified her that the PEC would be closing the mediation. The Requester responded:

Yes, you can close M2020-14.

IV. RECOMMENDATION

Because the Planning and Building Department provided the responsive records for the public records request, Commission Staff closed the mediation without further action.