

Item 12 - M2019-15a Mediation Summary;



Michael B. MacDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Jessica Leavitt
Ryan Micik
Arvon Perteet
Joe Tuman

Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: December 27, 2021
RE: *In the Matter of Councilmember Taylor's Office (Case No. M2019-15(a));* Mediation Summary

I. INTRODUCTION

On September 24, 2019, the Commission received a request for mediation alleging that the office of Councilmember Loren Taylor – District 6 failed to disclose records in response to two public records requests made by the Requester on July 11, 2019. On October 2, 2019, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding office provided the responsive documents per the requests, 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 - M2019-15a Mediation Summary;

III. SUMMARY OF FACTS

On July 11, 2019, Councilmember Taylor's Office received, via the web, a public records request (No. 19-3484) stating:

Emails, documents, recordings, transcripts, or any other form of communication between District 6 representative, Loren Taylor and staff, and any members of John Gooding, Michael Colbruno, Nara Dahlbacka, Alistair Mcelwee, or Nicole Drake or any other principal, staff member or employee of the Milo Group. From February 6, 2019 to July 11, 2019.

In addition, on July 11, 2019, the Councilmember Taylor's Office received another public records request (No. 19-3485):

Emails, documents, recordings, transcripts, or any other form of communication between District 6 representative, Loren Taylor and staff, and Chris Grant, and/or any other principals and employees of Pacific Companies, its subsidiaries; and/or James Wilcox and/or any other Strategic Growth Partners employees; and representatives of Aspire Schools, or any of its Oakland schools. From February 6, 2019 to July 11, 2019.

On August 27, 2019, Councilmember Taylor's Office requested additional time for both public records requests via NextRequest stating:

Request extended: Additional time is required to answer your public records request. We need to search for, collect, or examine a large number of records (Government Code Section 6253(c)(2)).

On September 24, 2019 the Commission received a complaint alleging that Councilmember Taylor's Office had failed to respond to public records requests 19-3484 and 19-3485.

On October 2, 2019, Staff initiated its mediation program and notified the Councilmember Taylor's Office of the mediation request.

On October 7, 2019, Councilmember Taylor's Office released one responsive document related to PRR 19-3484. Subsequently, Councilmember Taylor's Office closed the PRR stating:

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).

In addition, on October 7, 2019, Councilmember Taylor's Office released one responsive document related to PRR 19-3485. Subsequently, Councilmember Taylor's Office closed the PRR stating:

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).

Item 12 - M2019-15a Mediation Summary;

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 Councilmember Taylor's Office provided the responsive documents, and because the Requester had no further inquiry for responsive documents, Staff closed the mediation without further action.