

Item #13b - M2019-16; Mediation Summary



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Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: October 29, 2021
RE: *In the Matter of the Mayor's Office (Case No. M2019-16); Mediation Summary*

I. INTRODUCTION

On October 1, 2019, the Commission received a request for mediation alleging that the Mayor's Office failed to disclose records in response to a public records request made by the Requester on September 25, 2019. On October 2, 2019, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department has provided all 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).

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III. SUMMARY OF FACTS

On September 25, 2019, the City received, via web, the following public records request (No. 19-4786):

Please provide personnel information for Special Assistant to the Mayor III, including:

--Start date for David Silver with any department or agency within the City of Oakland, i.e., the date he came into employment in a position that responds to or can be terminated by either the City Administrator or Mayor.

--The date David Silver began receiving a salary from the city of Oakland.

On October 1, 2019, the Mayor's Office released a link to the City's Legistar platform for a passed City Resolution titled:

Subject: Acceptance Of Grant Funds From The Oakland Public Education Fund
From: Office Of The Mayor Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To Accept And Appropriate Grant Funds From The Oakland Public Education Fund In The Total Amount Of Two Hundred Seven Thousand Dollars (\$207,000) To Be Used To Provide Full Funding For The Mayor's Director Of Education For The Remainder Of Fiscal Year 2017 (November 2016-June 2017)

Subsequently, the Mayor's Office closed the request.

On October 1, 2019, the Requester responded:

Please re-open the request and provide the documents requested, closing the response after this response violates the law.

Please provide the documents that show Silver's start date at the city of Oakland, as an employee at the city of Oakland. Please provide the day and date Silver began receiving a salary directly from the City of Oakland.

On October 1, 2019, the Commission received a complaint alleging that the Mayor's Office had failed to provide all the requested documents in response to public records requests No. 19-4786.

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

On October 2, 2019, the Mayor's Office released a document to the Requester in response to public records request 19-4786.

On October 4, 2019, the Mayor's Office released an additional document to the Requester.

On October 7, 2019, the Mayor's Office closed the request stating:

We released all of the requested documents.

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On October 26, 2021, Staff followed up with the Requester to see if they had received all the responsive documents to their public records request (19-4786) and that the mediation would be closed. The Requester confirmed that they had received the responsive records.

IV. RECOMMENDATION

Because the Mayor'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.