

Item #13c - M2020-04; 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 Public Works Department (Case No. M2020-04); Mediation Summary*

I. INTRODUCTION

On February 20, 2020, the Commission received a request for mediation alleging that the Public Works Department failed to disclose records in response to a public records request made by the Requester on November 14, 2019. On February 24, 2020, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department determined that there were no 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 November 14, 2019, the City received, via web, the following public records request (No. 19-5574):

Emails and documents mentioning or pertaining to the homeless encampment known as "Oakport/66th avenue". Emails from or to public works office

On February 20, 2020, the Commission received a complaint alleging that the Public Works Department had failed to respond to the public records request No. 19-5574.

On February 24, 2020, Staff initiated its mediation program and notified the Public Works Department of the mediation request.

On June 24, 2020, the Public Work Department closed the request stating:

The Oakland Public Works Dept. does not have any responsive information regarding this request.

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 Department indicated that they had no responsive documents for the public records request, and because the Requester had no further inquiry for responsive documents, Staff closed the mediation without further action.