From: Abney, Michelle (MAbney@oaklandcityattorney.org)
To: Marleen Sacks
Date: Thursday, June 25, 2009 11:33:40 AM
Subject: RE: Measure Y Public Records Request/PRR-090059

Ms. Sacks:

I was out on sick leave for the last two days. I am right now reading your email below. I will forward to staff to ensure a response.

Michelle Taylor Abney
Open Government Coordinator
City Attorney's Office
(510) 238-2965
(510) 238-6500 (Fax)

From: Marleen Sacks [mailto:[redacted]]
Sent: Tuesday, June 23, 2009 2:07 PM
To: Abney, Michelle; Morodomi, Mark
Cc: David@donahue.com
Subject: Re: Measure Y Public Records Request/PRR-090059

Dear Ms. Abney and Mr. Morodomi:

As you will recall, on March 31, 2009 I submitted a public records request for all documents that reflect "the positions currently paid for out of Measure Y." On May 6, 2009, I followed up amended my request to request documents indicating, of the Measure Y positions currently filled, which are PSOs, which are supervisory, which are CRTs, which are truancy, domestic violence etc (as those positions are outlined in Measure Y). To date, I have received no response whatsoever to my amended request. (I did receive an unredacted version of one of the e-mails that I requested, however).

Mark - as you are aware I asked at our meeting on June 18, 2009 whether the mandated Measure Y CRT positions had been filled. I believe that it is critical to obtain this information in order to advance settlement discussions. Therefore, I am requesting that the documents I previously requested well over a month ago be provided. I look forward to your prompt response.

Marleen Sacks

From: Marleen Sacks <[redacted]>
To: MAbney@Oaklandcityattorney.org; mmorodomi@oaklandcityattorney.org
Cc: krayburn@bayareanewsgroup.com; KDunlap@bayareanewsgroup.com
Sent: Wednesday, May 6, 2009 8:24:30 PM
Subject: Re: Measure Y Public Records Request/PRR-090059

Dear Ms. Abney and Mr. Morodomi:

I received responses to my Public Records Act Request in the mail today. I have the following concerns/follow-up requests:

Attachment 5A

1. One of my requests was for all documents that reflect "the positions currently paid for out of Measure Y." The list you provided was incomplete, as it did not indicate the actual Measure Y assignment. To the extent that my request was not clear in this, I would like to amend my request to request documents indicating, of the Measure Y positions currently filled, which are PSOs, which are supervisory, which are CRTs, which are truancy, domestic violence etc (as those positions are outlined in Measure Y).

2. Some of the documents contain redacted (i.e. blacked out) portions. Specifically, there is a February 18, 2009 e-mail from Cheryl Taylor to Gilbert Garcia that contains at least half a line of redacted text. I am entitled to unredacted documents. I was not advised in advance of any grounds upon which the City was not going to produce responsive documents (e.g. applicable exceptions to the Public Records Act). There is no apparent reason to redact this particular document. Therefore, please provide an unredacted copy.

In addition, an e-mail from Cheryl Taylor to Gilbert Garcia dated March 19 from 1:39 p.m. was entirely redacted, as was another e-mail the same date at 2:24 p.m. No explanation was given for the redactions. While Mr. Morodomi was copied on the e-mailm, I do not believe simply copying an attorney on an e-mail makes the document "attorney-client privileged." Indeed, there is no indication Mr. Morodomi participated in the correspondence at all. Therefore, I am asking for unredacted copies of these documents as well.

I look forward to your prompt response.

Marleen Sacks
[redacted]

----- Forwarded Message ----
From: "Abney, Michelle" <MAbney@oaklandcityattorney.org>
To: Marleen Sacks <[redacted]>
Sent: Tuesday, March 31, 2009 1:44:00 PM
Subject: RE: Measure Y Public Records Request/PRR-090059

Thank you for your request. I have forwarded it to the appropriate departments for review and processing. Please let me know if you do receive a response so I can follow-up.

Michelle Taylor Abney
Open Government Coordinator
Office of the City Attorney
City Hall, No. 1 Frank Ogawa Plaza, 6th Floor
Oakland, CA 94612
510 238-2965
Fax 510 238-6500
Law in the Service of the Public
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From: Marleen Sacks [[redacted]
Sent: Tuesday, March 31, 2009 12:38 PM

Attachment 5A

To: Abney, Michelle
Cc: Siegel, Kevin D.; Morodomi, Mark; Brunner, Jane; maya_dillard_smith@yahoo.com; krayburn@bayareanewsgroup.com
Subject: Measure Y Public Records Request

Dear Ms. Abney:

This is a request for public records pursuant to the Public Records Act.

I read in today's Tribune that one of the proposals that is being discussed tonight is to reduce the budget, particularly for the police department, by paying for 14 PSO positions out of Measure Y, rather than the General Fund.

It is my understanding that for many years, approximately 14 PSO positions have been paid for out of the General Fund, because those positions existed prior to the passage of Measure Y. Measure Y requires that an additional 63 positions be funded from Measure Y, over and above the positions that existed when Measure Y was passed. Therefore, if the City begins using Measure Y funding to cover the salaries of the PSOs previously covered by the General Fund, it must still ensure that at least 63 Measure Y positions are funded and filled, over and above the 739 budgeted by the General Fund and/or other non-Measure Y sources, and that all of the legal requirements for Measure Y are met. The City must still use non-Measure Y sources to pay for at least 739 officers, plus any officer that is not eligible for Measure Y funding (i.e. officers not assigned solely to Measure Y duties).

In order to ensure continued compliance with Measure Y (and in recognition for the previous lack of compliance), I am asking for the following documentation:

1. Any and all documents that reflect whether this proposal has been presented to the Measure Y Oversight Committee, and the action taken by the Committee on the proposal;

2. Any and all documents that reflect (a) the positions currently paid for out of Measure Y; (b) the number of positions currently paid for out of Measure Y; (c) the names of the persons currently occupying those positions; (d) the date those positions were initially filled/funded and paid out of Measure Y.

3. Any and all documents referring or relating to the proposal to begin charging Measure Y, as opposed to the General Fund, for the 14 PSO positions previously funded out of the General Fund, including internal correspondence regarding this proposal.

4. Any and all documents comprising formal legal opinions from the City Attorney's office on the permissibility of funding the 14 PSO positions from Measure Y.

You may transmit the responsive documents electronically, if that is easier or feasible, or copies can be mailed to me at the address below. Thank you for your prompt attention to this request. Please contact me if you have any questions.

Marleen L. Sacks

Attachment 5A

4[redacted]

C

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[v1.02]

Attachment 5A