

# City of Alameda



OPEN GOVERNMENT COMMISSION  
2263 Santa Clara Avenue, Suite 380  
Alameda, CA 94501  
(510) 747-4800

## SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission: City Attorneys Office

Name of individual contacted at Department or Commission: n/a

- ☒ Alleged violation of public records access.  
☐ Alleged violation of public meeting. Date of meeting: n/a

Sunshine Ordinance Section: 2-92.1, 2-92.2(c)  
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach all relevant documentation supporting your complaint. Documentation is required.

4/21/21 - Made PRA to City Clerk for CM Spencer's Nextdoor Constituent Communications  
10/16/21 - Made follow up inquiry  
10/19/21 - First response from City Attorney; claimed Nextdoor is custodian

**A complaint must be filed no more than fifteen (15) days after an alleged violation of the Sunshine Ordinance.**

Name: Rasheed Shabazz Address: \_\_\_\_\_ \*

Telephone No: \_\_\_\_\_ \* E-mail Address: f

Date: 10/25/2021 \_\_\_\_\_

Signature \_\_\_\_\_

**From:** [Rasheed @ Berkeley](#)  
**To:** [City Clerk](#)  
**Subject:** Sunshine Ordinance Complaint - PRA for Nextdoor Communications  
**Date:** Tuesday, October 26, 2021 4:17:34 PM  
**Attachments:** [ogc-complaint-rasheed-shabazz-2021.pdf](#)

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Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

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Dear City Clerk,

Attached is my Sunshine Ordinance Complaint for the City Attorney's Office's violation of public records access. Below is a recount of correspondence:

- On April 21, I requested public records from the City Clerk's Office. I did not receive a response.
- On October 16, I sent a follow-up email on the status of that request to the City Clerk's Office.
- On October 19, I received an email from the City Attorney's Office that there was a "miscommunication" which I presume contributed to a lack of response. I was informed at that time the City does not maintain the requested records.

There are two violations this complaint seeks to address.

1. First, I did not receive a timely response within the required time frame, per the California Public Records Act which the Alameda Sunshine Ordinance seeks to enhance (see 2-92.1 and 2-92.2(c) supporting Government Code Section 6253.9).
2. Second, the City contends that the records are maintained by Nextdoor. This neither addresses nor negates the fact that an elected official is "writing" to constituents using this platform and those Communications are subject to the CPRA.

Consider this text and the email below additional/relevant documentation to my attached complaint.

I have redacted my address and telephone number due to privacy and safety concerns.

Thank you for your consideration.

Rasheed Shabazz

----- Forwarded message -----

From: **Lisa Cooper** <[lcooper@alamedacityattorney.org](mailto:lcooper@alamedacityattorney.org)>  
Date: Tue, Oct 19, 2021 at 9:04 AM  
Subject: FW: [EXTERNAL] Re: PRA: Request for Trish Spencer Nextdoor Constituent Communications  
To: [rasheed@berkeley.edu](mailto:rasheed@berkeley.edu) <[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu)>  
Cc: Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>

Mr. Shabazz,

My apologies. There was a miscommunication between the Clerk's office and myself as to who was going to respond to your PRA.

The City of Alameda does not monitor or maintain any records of Councilmembers use of NextDoor. Any such records would be in the care, custody and control of NextDoor.

Regards, Lisa

Lisa K. Cooper

Paralegal

City of Alameda

2263 Santa Clara Avenue, Room #280

Alameda, CA 94501

(510) 747-4764

[lcooper@alamedacityattorney.org](mailto:lcooper@alamedacityattorney.org)

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**From:** Rasheed @ Berkeley [<mailto:rasheed@berkeley.edu>]

**Sent:** Saturday, October 16, 2021 7:59 AM

**To:** City Clerk <[CLERK@alamedaca.gov](mailto:CLERK@alamedaca.gov)>; Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>

**Subject:** [EXTERNAL] Re: PRA: Request for Trish Spencer Nextdoor Constituent Communications

Peace Lara,

I'm writing to follow-up on my April 21 request for Councilmember Spencer's Nextdoor communications with the public.

Rasheed

On Wed, Apr 21, 2021 at 1:58 PM Rasheed El Shabazz <[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu)> wrote:

Pursuant to the state open records law Cal. Gov't Code Secs. 6250 through 6276.48, I write to request access to and a copy of all constituent correspondence to and from and comments by Council Member Trish Herrera Spencer using the Nextdoor social media platform. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$0. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253(c), I will expect your response within ten (10) days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law can result in the award of court costs and reasonable attorney fees. See Sec. 6259(d).

Thank you for your assistance. :)

Sincerely,

Rasheed Shabazz

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**Rasheed El Shabazz**

Masters of City Planning | Class of 2021

UC BERKELEY | COLLEGE OF ENVIRONMENTAL DESIGN

[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu) | (510) 520-6519