

2010 JUN 30 PM 8:54

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: *Office of the City Clerk*
DATE: July 13, 2010
RE: Adoption Of A Resolution Regarding Development Of A Citywide Records Management Program

SUMMARY

At its regular meeting of December 15, 2009, the Finance and Management Committee considered a staff report and a series of proposed amendments to the existing City-Wide Records Management Ordinance (Ordinance No. 11370 C.M.S) and the Oakland Sunshine Ordinance. The committee discussed the details of the proposal and recommended a delay on the implementation of the Records Management Ordinance until the Office of the City Clerk was sufficiently staffed to commence the work for the development of a comprehensive Records Management Program. The Office of the City Clerk has hired a City-wide Records Manager and is capable of proceeding with the development work as directed by the Council. This resolution creates a process and timeline for the development of a Citywide Records Management Program ("Program").

FISCAL IMPACT

Establishment and adherence to a City-Wide Records Management Program will ensure the proper identification and management of records for the City of Oakland. Upon implementation of the Citywide Records Management Program, the City would realize greater efficiencies by having accurate and properly accessible records which would reduce costs associated with records volume, storage, searches and further would greatly mitigate our exposure to litigation and legal expenses.

BACKGROUND

The existing Citywide Records Management Ordinance (Ordinance 11370) was adopted in 1991 and authorizes the creation of a Citywide program for the management of City records. It contains definitions, administrative duties and responsibilities that are in need of updating. As this ordinance was never codified into the Oakland Municipal Code; full understanding, participation and legal requirements of State and City of Oakland's records policies has not been achieved.

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KEY ISSUES AND IMPACTS

With the absence of policy and lack of codification of a Citywide Records Management Program, Oakland has not established policies and procedures to adequately identify, collect, and preserve City records. This resolution would authorize the Clerk's Office to commence analysis and development work for records management policy and create a plan for implementation of comprehensive City-Wide Records Management Program.

This resolution would allow the City Clerk's Office to ensure the proper use and handling of City records and create confidence in the City's ability to be accountable and reduce liability through:

- Compliance
- Updated policies
- Audit Integrity of Records
- Proper Identification and Storage of Records
- Educate Agency and Staff
- Reduce Storage Costs
- Increase security of onsite records
- Reduction of Legal Expense

This resolution establishes that the Program shall be created by the City Clerk with input from employees of the Office of the City Clerk, the Office of the City Administrator, the Office of the City Attorney, the Office of the City Auditor, the Office of Information Technology, and staff of the City Council.

PROGRAM

Responsibility for the development and administration of the Citywide Records Management Program is vested with the Office of the City Clerk. With the Clerk's Office recent recruitment of a Citywide Records Manager and the increasing visibility and requirements to adhere to Sunshine Ordinances and Brown Act Resolution would bring the necessary legal responsibility to update and maintain records management practices.

The City-Wide Records Management Program will include the following elements:

- (1) A definition of "City Record;"
- (2) A retention schedule;
- (3) Vital and historical records management;
- (4) Electronic records management;
- (5) Forms management;
- (6) Files management;

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- (7) Records conversion; and
- (8) Disposition of City records

PROCESS AND TIMELINE

Within 6 months after the passage of this resolution, the City Clerk will present a proposed program to the City Council Rules Committee for the purpose of receiving comment and of apprising the Committee of any issues affecting the development of the Program. After the Rules Committee considers the City Clerk's proposed Program, the City Clerk will present the adopted proposed Program to the Public Ethics Commission together with a request that the Commission hold a public hearing and thereafter provide a summary of any public comments, analysis, and recommendations pertaining to the proposed Program.

Then, 60 days after the Public Ethics Commission has transmitted the summary of public comments, analysis, and recommendations pertaining to the proposed Program, the City Clerk shall submit the Program to the Rules Committee and City Council for final adoption.

The proposed development timeline provides for sufficient time to develop a complete program and obtain public comment and ultimately ensures the city complies with state and local statutes regarding records management.

SUSTAINABLE OPPORTUNITIES

The successful development and implementation of a Citywide Records Management Program will help avoid noncompliance issues, costly, time-consuming and inefficient records management practices all reducing the City's potential exposure to public and legal liabilities.

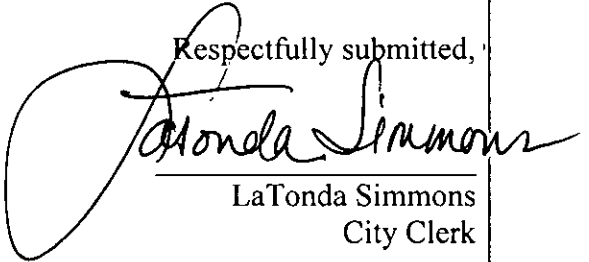
DISABILITY AND SENIOR CITIZEN ACCESS

Establishment of records management policies includes ensuring access for the disabled and seniors.

RECOMMENDATION(S) AND RATIONALE

Office of the City Clerk with the support of offices of City Attorney, City Auditor and Public Ethics Commission respectfully recommends the City Council adopt the Resolution to develop a Citywide Records Management Program that brings the City in compliance and away from litigation.

Respectfully submitted,



LaTonda Simmons
City Clerk

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:

Office of the City Administrator

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