

**CITY OF OAKLAND
MEMORANDUM**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

amb

2004 MAR 10 AM 11:45

TO: Rules & Legislation Committee
ATTN: Assistant to the City Manager
FROM: Name Roland Smith
Phone No. 510-238-3378
Address/Agency/Dept Office of the City Auditor
DATE: March 9, 2004

SUBJECT: REQUEST TO SCHEDULE AGENDA ITEM

TITLE: Resolution in Support of Assembly Bill No. 2318, a Proposal to amend the Government Code for the Purpose of Allowing the City Auditor to Exempt from Disclosure of Certain Information Otherwise made Available to the Public under the California Public Records Act.

SCHEDULING RECOMMENDATION:

A. Committee _____
(Please specify Committee. Committees meet 2nd & 4th Tuesdays)

City Council _____ Redevelopment Agency
(Council/Agency meets on 1st, 3rd, and 5th Tuesdays)

B. Meeting Date: April 6, 2004

Is there a statutory, regulatory, financial or grant deadline? Specify:

Is a staff report required/requested?

What is the fiscal impact on the City/Agency?

If the ten-day (Sunshine Ordinance) agenda deadline cannot be met, please indicate reason:

Item constitutes an "emergency" (Crippling disaster, work stoppage or other activity which severely impacts public health and/or safety)

It was not reasonably possible to place the proposed item on the two-week agenda AND any of the following exist:

Item requires immediate action to avoid a substantial adverse impact if action is deferred to a subsequent special or regular meeting;

Item requires immediate action relating to federal or state legislation;

Item requires immediate action relating to eligibility for a grant or gift; OR

Item is ceremonial.

Explain why item could not have been placed on the 10-day agenda:

04-0215

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S. 10 AM 11:45

INTRODUCED BY COUNCILMEMBER _____

TAC

RESOLUTION IN SUPPORT OF ASSEMBLY BILL NO. 2318, A PROPOSAL TO AMEND THE GOVERNMENT CODE FOR THE PURPOSE OF ALLOWING THE CITY AUDITOR TO EXEMPT FROM DISCLOSURE CERTAIN INFORMATION OTHERWISE MADE AVAILABLE TO THE PUBLIC UNDER THE CALIFORNIA PUBLIC RECORDS ACT

WHEREAS, the City Auditor has a Charter mandated requirement to perform audits on behalf of the City of Oakland; and

WHEREAS, this requires the Auditor to obtain and analyze a variety of evidence, some of which is subject to disclosure under the California Public Records Act; and

WHEREAS, this information includes documents that may be sufficiently sensitive, proprietary, or misleading as to be harmful to the person or entity providing the information if it is disclosed to the public; and

WHEREAS, the California Legislature recognized the need for the State Auditor to exempt certain information made available to the public under the California Public Records Act by enacting California Government Code Section 8545;

WHEREAS, these additional exemptions enhance the productivity of the Office of the State Auditor; and

WHEREAS, it is in the interest of the City of Oakland to have similar protections extended to the Office of the City Auditor thereby enhancing the City Auditor's ability to perform his job; and

WHEREAS, these protections would allow the auditor to exempt the following information from disclosure:

- (a) personal papers, financial data, and correspondence of any person or entity providing assistance to or cooperating with the auditor when that person or entity has requested in writing that his or her papers, data, and correspondence be kept private and confidential; and

04-0215

- (b) papers, correspondence, memoranda, financial data, or any substantive information pertaining to any audit not completed; and
- (c) papers, correspondence, financial data, or memoranda pertaining to any audit that has been completed, which papers, correspondence, or memoranda are not used in support of any report resulting from the audit; now, therefore be it,

RESOLVED: That the City Council does hereby endorse and support the adoption of California Assembly Bill No. 2318 thereby extending the above-referenced exemptions to the Office of the City Auditor.

In Council, Oakland, California, _____

Passed By The Following Vote:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California