

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CLERK
CITY OF OAKLAND
MAR 18 PM 1:30

RESOLUTION No. 78472 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

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RESOLUTION IN SUPPORT OF ASSEMBLY BILL NO. 2318, A PROPOSAL TO AMEND THE GOVERNMENT CODE FOR THE PURPOSE OF ALLOWING THE CITY AUDITOR, IN CONFORMITY WITH RULES APPLICABLE TO THE STATE 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

- (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, APR 6 2004

Passed By The Following Vote:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST



for CEDRA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California