

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality
Lucy Ellis
Oakland City Attorney's Office

08 APR -3 PM 4:05
OAKLAND CITY COUNCIL

RESOLUTION NO. 81213 C.M.S.

REVISED

INTRODUCED BY City Auditor Courtney A. Ruby

**RESOLUTION IN SUPPORT OF ASSEMBLY BILL NO. 2001
(SWANSON), A PROPOSAL TO AMEND THE
GOVERNMENT CODE FOR THE PURPOSE OF
AUTHORIZING CITY AND COUNTY AUDITORS AND CITY
AND COUNTY CONTROLLERS TO HOLD IN
CONFIDENCE THE IDENTITIES OF INDIVIDUALS WHO
PROVIDE INFORMATION THAT RESULT IN
INVESTIGATIVE AUDITS**

WHEREAS, the City of Oakland is committed to rooting out waste, fraud and abuse and to maintaining the highest standards of behavior by its officials and employees; and

WHEREAS, the City Auditor has a Charter mandated requirement to ensure that the City's assets and resources are reasonably safeguarded from fraud, waste, and mismanagement; and

WHEREAS, the City Auditor maintains a Whistleblower Program for the purpose of receiving individual complaints concerning the quality and delivery of government services, wasteful and inefficient City government practices, misuse of City funds, and improper activities by City officers and employees; and

WHEREAS, AB 2001 would allow the City Auditor to hold in confidence information disclosed through the whistleblower hotline, including the identity of the caller disclosing the information and the individuals identified by the caller during the initial review of a call; and

WHEREAS, AB 2001 would also allow the City Auditor to hold in confidence the identity of an individual who discloses to the City Auditor that an employee or local agency has engaged in improper governmental activity when the information provided results in an investigative audit; and

WHEREAS, the City of Oakland has an interest in protecting the integrity of the City Auditor's Whistleblower Program and in both welcoming and protecting whistleblowing by Oakland City employees; and

WHEREAS, the California Legislature recognized the need for the Attorney General to maintain the confidence of information disclosed through its whistleblower hotline, including the identity of the caller by enacting California Labor Code Section 1102.7; 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 her job and protect the interest of the public; and

WHEREAS, the City Auditor, through the City Council, worked with Assemblymember Swanson to initiate the legislation; now, therefore be it

RESOLVED: that the City of Oakland supports and is a sponsor of AB 2001 (Swanson); and be it

FURTHER RESOLVED: that the City's state lobbyist are directed to advocate the City's position to the State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 15 2008

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, ~~KERNIGHAN~~, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE - 7

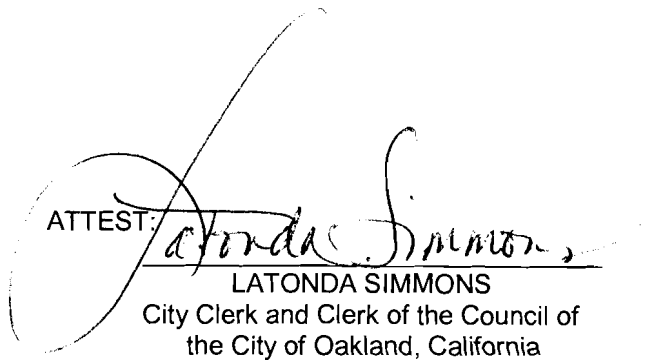
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Kernighan - 1

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California