



CITY OF OAKLAND

AGENDA REPORT

TO: Steven Falk
Interim City Administrator

FROM: Asha Reed
City Clerk

SUBJECT: Contract to Update the Records
Retention Schedule

DATE: April 6, 2023

City Administrator Approval

Date: Apr 12, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution:

Resolution Awarding A Professional Services Contract To Kaizen Infosource LLC To Prepare A New Records Retention Policy For The City Of Oakland In An Amount Not To Exceed \$60,000 Utilizing The Funds Allocated For That Purpose In The Fiscal Year 2022-2023 Mid-Cycle Budget, Pursuant To Resolution No. 89283 C.M.S., To Update And Replace The Existing Policy Last Updated In 2003; Waiving The Competitive Request For Proposal/Qualifications (RFP/Q) Process Pursuant To Oakland Municipal Code Section 2.04.051.B And The Local/Small Local Business Enterprise (L/SLBE) Program Requirements In The Best Interests Of The City

EXECUTIVE SUMMARY

The Office of the City Clerk provides legally mandated services to members of the public, City staff, and other government entities. This includes providing legally mandated information across all access points (in-person and/or use of technology) to ensure all residents have access to information as required under the Ralph M. Brown Act, California Public Records Act, and Oakland Sunshine Ordinance, as well the City's Records Retention Policy. The Office of the City Clerk practices inclusive engagement through transparency and encouraging civic engagement through open government and public access that removes barriers to participation in the City's legislative processes. Approval of the proposed resolution will allow the City to award a Professional Services Contract to Kaizen Infosource LLC, for the preparation of a new records retention policy for the City of Oakland. In addition to updating the City's Records Retention Policy, the consultant will provide recommendations on how to modernize the Records Retention Schedule and create a Records and Information Management Policy for the City. Completion of this project will address deficiencies in the existing retention schedule and will replace Administrative Instruction-141, City-wide Records Management Program.

Finance & Management Committee
April 25, 2023

BACKGROUND / LEGISLATIVE HISTORY

In 1953, the California State Legislature adopted the [Ralph M. Brown Act](#) (“Brown Act” to ensure that the decision makers conduct their work openly, and that the “public is informed so that they may retain control over the instruments they have created”).

In 1968, the California State Legislature adopted the [California Public Records Act](#) (“CPRA”) which requires the inspection or disclosure of governmental records to the public upon request, unless exempted by law.

The Oakland City Council adopted Ordinance 11370 C.M.S in September of 1991. This Ordinance established the Citywide Records Management Program, including a records retention program.

The Oakland City Council adopted Ordinance Number 11957 in 1997, which established the “Sunshine Ordinance” which was codified as [Chapter 2.20 of the Oakland Municipal Code](#). The Sunshine Ordinance is intended to “serve the public and in reaching its decisions to accommodate those who wish to obtain information about or participate in the process.” In addition, the Sunshine Ordinance is intended “to assure that the people of the city of Oakland can be fully informed and thereby retain control over the instruments of local government in their city.”

The Oakland City Council adopted Ordinance Number 12483 in 2003, which amended portions of the Sunshine Ordinance.

The Oakland City Council passed [Resolution Number 77659](#) in February of 2003. This resolution established the City of Oakland Records and Retention Policy and authorized additional services from a consultant, Nancy A. Williams, to implement the policy.

In August 2020, the City executed a professional services agreement with Kaizen Infosource LLC, for consulting service to, among other things, review and evaluate the existing Records and Retention Policy, provide actionable recommendations to be addressed and/or made to the Records and Retention Policy in order to update and modernize it, and as well assist with the selection of an offsite records storage vendor.

Under that agreement, Kaizen completed a Records Roadmap and Records Health Assessment to prepare for the creation of an updated policy and also, provided an Executive Report of Findings and Recommendations. In addition, Kaizen also conducted a cost comparison of the top offsite storage vendors and provided the City with a report with recommendations; developed the specifications for the City’s current offsite storage vendor; and facilitated training of records liaisons.

The City Clerk now seeks to retain Kaizen to implement those records recommendations and to update and modernize the City’s Records and Retention Policy.

ANALYSIS AND POLICY ALTERNATIVES

As required under the Brown Act, CPRA and the City's Records Retention Policy, there is an ongoing need to have a records management program that is professional, cost effective, preserves vital and historical City records, and guarantees its citizens access to public records of the City. Resolution 77659, in which the Council authorized a consultant to prepare the last Records Retention Policy update, was passed unanimously in 2003. Twenty years have since passed. The City of Oakland needs to modernize its Record Retention Schedule, as well as create a Records Retention policy that will support all City records.

Should the Council choose to adopt this resolution, the City Clerk's Office will be able to modernize current City practices that, when implemented, will not only increase government transparency but will also minimize legal risk due to the City, which may result from failure to produce documents requested under the CPRA.

The City Charter identifies the City Clerk as the custodian of official City records. Currently, the City Clerk's Office lacks the staff to update the City's Records Retention Schedule and other tasks associated with this proposed agreement. The Administration finds that services under contract will be temporary. Furthermore, the authorization and execution of an agreement with this consultant will not result in the loss of employment or salary by any person having permanent status in the competitive service.

Reasons for Waiving Request for Proposals and L/SLBE Program Requirements

Oakland Municipal Code section 2.04.051.A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts in excess of \$50,000 and Oakland Municipal Code section 2.04.051.B allows Council to waive the RFP/Q requirements upon a finding by the Council that it is in the best interest of the City to do so.

The Local/Small Local Business Enterprise (L/SLBE) Program, Ordinance No. 13647 C.M.S., requires a minimum fifty-percent (50%) participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified businesses listed in the industry, trade, or profession that constitutes a major category of work; and if at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be set at a percentage from 50 % to 0%, but not less than 20% if at least one L/SLBE is certified and available.

For the reasons set forth above, including Kaizen's specific and extensive professional experience and prior work on the first phase of updating the Records Retention Policy in Oakland, City staff believes that it is in the best interests of the City for the Council to waive the RFP/Q and L/SLBE program requirements, pursuant to OMC section 2.04.051(B) and Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.

The City of Oakland needs a Records and Information Management Program that includes rules, creates citywide standards for department practices, controls, and tools. Currently, the City is spending approximately \$155,634.34 in offsite storage fees, and we estimate a number of stored boxes could be past retention. Staff also believe there are a significant number of boxes that are duplicate records or not actual records. An updated Records Retention Policy could yield financial savings on records that need not be stored.

Adoption of this resolution will advance the Citywide priority of a ***trustworthy and responsive government***.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for this resolution beyond the standard City Council noticing procedures.

COORDINATION

This project will require coordination with Information and Technology Department (ITD) to evaluate selection and use of a trusted system for the City of Oakland as well as provide strategic recommendations and requirements for implementation. This project will also require coordination with the Department of Race & Equity for determination of equity objectives and to support implementation.

This staff report and resolution have been reviewed by the Office of the City Attorney and by the Budget Office.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Kaizen Infosource is a specialized vendor that specializes in Records Information Management. In August of 2021, the Office of the City Clerk hired Kaizen to assess the health of the City of Oakland records program. Kaizen met with each City department, providing training to record liaisons, and identified deficiencies in our current retention schedule and program, with target dates for compliance. Kaizen Infosource has also facilitated the RFP process for the City of Oakland offsite storage contract.

SUSTAINABLE OPPORTUNITIES

Economic: There are no direct economic opportunities associated with this project; however, persons seeking to purchase real estate or conduct other business in the City of Oakland often seek records from the City as part of their due diligence before making an investment; therefore, improved records access could have a nominal economic impact.

Environmental: There are no direct environmental opportunities associated with this project; however, persons seeking to purchase real estate or conduct other business in the City of Oakland often seek records from the City as part of their due diligence before making an investment; therefore, improved records access could have a nominal environmental impact.

Race & Equity: Oakland residents deserve access to clear, up to date policies and other documents that are created and retained by the City. The current schedule is not functional because it is not in compliance and has missing elements that reduce ability for departments to keep their retention activities current and the relevant material properly stored for ease of retrieval.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Awarding A Professional Services Contract To Kaizen Infosource LLC To Prepare A New Records Retention Policy For The City Of Oakland In An Amount Not To Exceed \$60,000 Utilizing The Funds Allocated For That Purpose In The Fiscal Year 2022-2023 Mid-Cycle Budget, Pursuant To Resolution No. 89283 C.M.S., To Update And Replace The Existing Policy Last Updated In 2003; Waiving The Competitive Request For Proposal/Qualifications (RFP/Q) Process Pursuant To Oakland Municipal Code Section 2.04.051.B And The Local/Small Local Business Enterprise (L/SLBE) Program Requirements In The Best Interests Of The City.

For questions regarding this report, please contact Sophia Uwadiae, Executive Assistant, at (510) 238-3122.

Respectfully submitted,



CITY CLERK
OFFICE OF THE CITY CLERK

Reviewed by: Britney Davis
Assistant City Clerk

Attachments (2):

1. Resolution 77659
2. Administrative Instruction (AI) 141, Citywide Records Management Program