



# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Asha Reed  
City Clerk

**SUBJECT:** Approving A Records And Information  
Management Policy And Records  
Retention Schedule

**DATE:** January 30, 2024

City Administrator Approval

  
Jestin Johnson (Feb 8, 2024 14:55 PST)

Date: Feb 8, 2024

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution (1) Approving A Records And Information Management Policy And A Records Retention Schedule; (2) Authorizing The Destruction Of Recordings Of Routine Video Monitoring Pursuant To Government Code 34090.6(A) After One Year; (3) Authorizing The City Clerk To Review And Approve Requests For The Deletion And/Or Destruction Of Any City Records; And (4) Authorizing The City Clerk To Review The Retention Periods In The Records Retention Schedule On A Periodic Basis**

## **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 as 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 update the records retention policy for the City of Oakland. In addition to updating the City's Records Retention Policy, this resolution will create a Records and Information Management Policy for the City. This updated retention policy addresses deficiencies in the existing retention schedule and will replace Administrative Instruction-141, City-wide Records Management Program.

## **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

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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 C.M.S.](#) in 2003, which amended portions of the Sunshine Ordinance. The Oakland City Council passed Resolution Number [77659 C.M.S.](#) 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.

The California Public Records Act was passed by the California State Legislature in 1968 and requires inspection or disclosure of governmental records to the public upon request, unless exempted by law.

In May 2023, the City adopted resolution [89700 C.M.S.](#), which executed a professional services agreement with Kaizen InfoSource LLC, to prepare a new records retention policy for the city to update and replace the existing policy last updated in 2003. The City Clerk now seeks approval of the updated 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 C.M.S.](#), in which the Council authorized a consultant to prepare the last Records Retention Policy update, was passed unanimously in 2003. Over twenty years have since passed. The City of Oakland needs to modernize its Record Retention Schedule and create a Records Retention policy that will support all City records. This policy will not only increase government transparency but will also minimize legal risk to the City. The recommended policy action supports the Citywide priorities of **responsive, trustworthy government.**

## **FISCAL IMPACT**

While the implementation of the City's Records Retention Schedule has no immediate fiscal impact to the city, there will be anticipated future costs associated with the destruction of records that are past retention.

**PUBLIC OUTREACH / INTEREST**

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

**COORDINATION**

This project required coordination with all city departments to evaluate department records and overview of proposed retention recommendations. This staff report and resolution have been reviewed by the Office of the City Attorney.

**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.

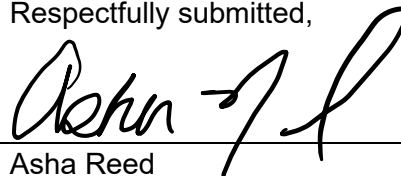
**Race & Equity:** Oakland residents deserve access to clear, up to date policies and other documents that are created and retained by the City.

**ACTION REQUESTED OF THE CITY COUNCIL**

**Staff Recommends That The City Council Adopt The Resolution Approving A Records And Information Management Policy, Records Retention Schedule, And An Updated Email Procedure Applicable Citywide**

For questions regarding this report, please contact Britney Davis, Assistant City Clerk, at BDavis@oakalndca.gov.

Respectfully submitted,



Asha Reed  
City Clerk and Clerk of the Council

Jestin D, Johnson, City Administrator

Subject: Approving A Records And Information Management Policy And Records Retention  
Schedule

Date: January 30, 2024

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Reviewed by:

Britney David, Assistant City Clerk

Attachments (2):

**A. Retention Schedule**

**B. Resolution**