CITY OF OAKLAND

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RECORDS MANAGEMENT COMMITTEE
HONORABLE CITY COUNCIL
Oakland, California

Re: A Report and Recommendation Updating Ordinance 11370. DRAFT

Dear Chairperson and Members of the Committee

SUMMARY

The City of Oakland and the City Council have adopted Ordinance 11370 CMS to create a City Wide Records Management Program. This document provides an implementation plan that will benefit the City Wide Records Management Program.

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FISCAL IMPACT

No additional fiscal impact is expected by this waiver.

BACKGROUND

City Council Resolution 77659 CMS authorized a professional services contract with Nancy A. Williams & Associates to implement a City Wide Records Management Program and Records Retention Schedule. The City of Oakland Retention Schedule for Hard Copy Records was developed and adopted under City Council Resolution 77659 CMS, dated February 25, 2003.

The City Wide Records Management Program has not been fully realized by the City of Oakland and it has been requested that a plan be implemented that can be used to implement the program.

KEY ISSUES AND IMPACTS

Nancy A. Williams & Associates developed an excellent records retention schedule, under City Council Resolution 77659, for the City of Oakland that will provide current and future guidance for the City Wide Records Management Program and the retention of important City of Oakland business information.

The project plan for implementing the City Wide Records Management Program begins with an assessment of the current state of records management practices at the City of Oakland.

The list below reflects critical areas that must be reviewed to determine the how to proceed with the implementation project. The Records Management Committee is designated as the forum for implementing the project plan. This project is outlined in phases to simplify the implementation.

Phase 1: Assessment Criteria

The following areas have been reviewed by the City Wide Records Manager in establishing reference points for implementing the project plan.

1. Executive Buy-In
2. Records Retention Schedule
3. File Plans
4. Records Training Program
5. Policy and Procedures
6. Records Disposition
7. Records Storage
8. Electronic Records
9. Records Audit
10. Business Continuity/Disaster Recovery
11. Public Records

Phase 2: Assessment Results and Recommendations

DRAFT

1. **Executive Buy-In –** A review of several business units within the City suggests that there is an inconsistent effort to be in compliance with the requirements of City Council Ordinance 11370 CMS, September 24, 1991 and Administrative Instruction 141, February 27, 2008.

   Goal: The goal is to establish a leadership position to effect change in the record management practices of the City of Oakland.

   Recommendation: Is to enlist the leadership of the City Council, Mayor's Office, City Administrator, and all Agency Executives in providing a qualified individual that can impact change within their business function to participate in the Records Management Committee (RMC) that has been formed under AI 141. The expectation is that each member be able to initiate activities that will assist in aligning the business function with the City Wide Records Management Program identified in City Council Ordinance 11370 CMS. Executive support for the selected individual is required for effectiveness in meeting the commitments of the Records Management Committee. It is also recommended that Records Management be included as part of the Performance Appraisal Process.

   Current Status: Most of the Agency Executives have provided an individual to participate in the RMC. City Council and the Mayor's Office have not recommended an individual to participate in this effort. Primary job function, organizational culture, and resources of the individuals selected continue to impact the successful progress of the RMC. Preliminary discussion has begun with different departments on how to include records management into the performance evaluation process.

2. **Records Retention Schedule** – A records retention schedule was created under City Council Resolution 77659 CMS, City of Oakland Retention Schedule for Hard Copy Records. The City Wide Records Manager has reviewed the retention schedule and has documented several areas that are inconsistent with industry standards for effective records retention schedules. The records retention schedule of any organization is considered a living document and will undergo period modification to address business changes.

   Goal: The records retention schedule should be recognized as the governing document for the retention of business information in compliance with the records management program and should follow industry standards as closely as possible. All city business functions should participate in making the retention schedule a valuable tool for maintaining the business information of the City.

   Recommendation: Correct all inconsistencies within the records retention schedule to conform to industry standards.

   1) Inconsistency: The title suggest the retention schedule is only applicable to physical records, Solution: Rename the records retention schedule appropriately so that it will apply to all records regardless of media, form or characteristics;
   2) Inconsistency: Fifteen instances exist where the disposition value does not follow industry standards, Solution: Update all instances with the proper disposition value;
   3) Inconsistency: The records retention schedule does not reflect recent organizational changes, Solution: Update schedule to reflect organizational changes;
   4) Inconsistency: Series numbering contains duplication, Solution: renumber duplicate series numbers;
   5) Inconsistency: General correspondence is not listed in the retention schedule, Solution: Update schedule to include general correspondence retention requirements.

   Current Status: The necessary corrections have been completed and the report and resolution have been submitted to the City Attorney's Office for review, and are currently waiting for submission to the City Council for adoption. Members of the RMC are currently requested to submit changes to the retention schedule as necessary so that the schedule is as thorough as possible.

3. **File Plan –** The file plan contains very specific information about a record series and the manner in which the records, created or received, are maintained. The file plans is a comprehensive document that determines the value of a record series to the city. A file plan is used to support the information that is contained within the records retention schedule. All city business functions should have a file plan that lists all the records that are related to the business responsibilities.

   Goal: The file plan recognizes the records that are maintained by the business unit. Each business unit should have a completed file plan on hand and submitted to the Office of the City Clerk – Records Management Division.

   Recommendation: All departments and divisions within the City of Oakland should complete a file plan for all records that are maintained by the business unit. The file plan should be retained by the business unit and the Office of City Clerk – Records Management Division to effectively control changes that may occur to the file plan.

DRAFT

Current Status: The members of the RMC are responsible for creating and delivering a completed file plan to the Office of the City Clerk - Records Management Division. Training and a template has been provided to members of the RMC to create the file plan for their respective business units. Due to the complexity of this activity the due date for this has been extended to allow more time to complete the file plan. There are only four file plans that have been delivered to the RMC for review. The remaining business units are having resource issues in completing the file plan.

4. **Records Training Program –** The establishment of an effective and efficient records management training program is essential for the City of Oakland. Records management should be recognized as a core responsibility for all individuals that perform a service for the City of Oakland. Training has to be appropriate for the responsibilities of each individual in the City. An efficient records training program will provide three levels of training based on the responsibilities of the individual in managing the business information of the City; Advanced, Intermediate, and Basic. This should be required training for everyone who is involved in the creation or receipt of business information.

   Goal: The records training program will provide information to all City staff on understanding the business and regulatory requirement for effectively and efficiently managing vital and everyday business information.

   Recommendation: The records training program should be required for all individuals that engage in the creation or receipt of business information. The training should be based on the responsibility of the individuals to manage records for the City. A basic records management training course should focus on all individuals that create or receive business information that must be maintained in compliance with the retention schedule. This training should be very broad in nature and cover basic records management responsibilities. An intermediate training course should be developed to meet the informational needs of individuals that are directly responsible for the daily management of records, these individuals are normally the Records Coordinators assigned to each business unit. An advanced training course should be delivered to the individuals that are designated as the RMC representative and members of the Office of the City Clerk – Records Management Division. This training will provide extensive information on the management of records for the City.

   Current Status: The records management training material is in development with an expected delivery date of February 24, 2009. This advanced training material will be provided to the staff of the Office of the City Clerk – Records Management Division and the representatives of the RMC. The training materials will then be revisited for specific Records Coordinator training and later for all City staff. There has been initial contact with the Personnel Department to add a Records Management Training course to the City Training schedule.

5. **Policy and Procedures –** Policy and Procedures provide a basis for the records management program and document the practices of the City in protecting important business information. Internal policy statements assist in aligning the agency with the City Wide Records Management Program. Procedures define the repeatable practices that assist in the management of business information and provide direct guidance for how records are managed by the business function responsible for creating or receiving the business information.

DRAFT

Goal: To develop effective internal policy and procedures needed to maintain a legally admissible records management program for the City of Oakland.

Recommendation: The need for effective and efficient policy and procedures for the City cannot be overstated. An internal policy statement is required to reinforce the executive commitment to support the City Wide Records Management Program. Internal procedures provide evidence that the records management practices of the agencies are clearly documented and aligned to the City Wide Records Management Program. The procedures should clearly describe the activities required to ensure the safeguarding and retention of important business information.

Current Status: The members of the RMC are currently in the process of reviewing and developing internal records management procedures. There has been very little movement with this activity due to resource issues.

6. **Records Disposition –** When business information is no longer of value it must be disposition. The records retention schedule is the tool that identifies the correct disposition of records that have achieve the retention requirement of the schedule. Disposition may be final destruction of the records or long term preservation for historical or archival reference.

   Goal – The goal is to establish a clear criterion for the retention of records that must be maintained long term or retained for historical or archival preservation.

   Recommendation - This will be established through the File Plan for all business units of the City. The File Plan will identify records that are vital and those that have historical significance.

   Current Status – The development of an agency file plan is in progress through the RMC. Resources and organizational culture are impacting the progress of this activity and will impact the development of a City Wide File Plan.

7. **Records Storage –** Records storage supports the need to maintain records that are no longer used for daily business operations, though must still be maintained in compliance with the adopted records retention schedule. On-site records storage should be considered for records that must be accessed frequently to support business needs. The environment that records are maintained in on-site locations should follow established industry requirements. Off-site storage of business records should also adhere to industry standards. The storage of electronic records should also conform to industry standards to protect the vital electronic records of the City.

   Goal: The goal for records storage is to identify all records that are stored in on-site and off-site locations by agencies of the City. This will help ensure that records management practices for the physical storage of records are adhered to

   Recommendation: The number one priority is to identify the contents of all record boxes maintained by City agencies, departments, and divisions. Each business unit should accurately identify all records that are maintained in on-site/off-site storage locations and provide a list of the record boxes with identifying content to the Office of the City Clerk – Records Management Division. Business units that cannot adequately verify the contents of records boxes stored in on-site/off-site locations should perform a physical review of the contents of all boxes without clear identification of contents. On-site storage locations should be approved by the Office of the City Clerk – Records

DRAFT

Management Division for compliance with industry standards for on-site storage of business information.

Current Status: The RMC will be addressing this matter in the next few weeks. The same constraints of resources, budget, organizational culture, and current business conditions impact the continuous progression of this activity.

8. **Electronic Records –** The management of electronically stored information (ESI) should be a key focus of any business that uses electronic information to conduct daily business. The need to manage electronic records is becoming one of the single most important functions of records management. Electronic records continue to be the highest profile form of record that is requested during litigation. The implementation for FRCP 26, 37 and FRE 502, and California Assembly Bill 5 all have an impact on the way that electronically stored information is managed by an organization.

   Goal: Establish clear records management guidelines for electronically stored information that creates a legally admissible environment. This should include the creation of a architect review committee to evaluate all software purchases that create or receive new records.

   Recommendation: Electronically stored information should be a collaborative effort between the City business functions, Records Management, and DIT. All electronic recordkeeping environments should be identified and the data mapped to outline all the paths that the information travels during the life-cycle of the business information. Procedures should be established that clearly documents the infrastructure of the electronic recordkeeping environments with industry standards under DOD 5015.2 or greater. Clear guidance should be established to define the requirements for maintaining ESI for retention and preservation.

   Current Status: Electronically stored information is not currently managed as part of an effective records management strategy. The Records Management Committee is focused on all records regardless of media or form. ESI is being addressed in parallel to physical records as applicable.

9. **Records Audit –** The records audit is a follow-up process that is used to reinforce the records management practices so that the City remains in compliance. The audit process should address improvements in the practices of managing business information and provide guidance to the areas that may be in a regressive state.

   Goal: The audit process should reinforce the records management practices that have been developed to support the City Wide Records Management Program.

   Recommendation: The Records Audit process is established with the assistance of the City Auditor's Office.

   Current Status: The records audit has not yet been defined.

   Business Continuity/Disaster Recovery – The Business Continuity/Disaster Recovery Plan support the need to re-establish business immediately after a natural or man-made disaster. The effort is to protect vital records that are needed to provide continuity of operations in the case of a catastrophic event.

   Goal – In collaboration with Risk Management establish a Business Continuity/Disaster Recovery Plan that would assist the City of Oakland in

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continuing to function as a service to the citizens of Oakland in the case of a natural or man-made disaster.

10. **Public Records –** The Oakland Sunshine Ordinance and the California Public Records Law require that records that are not exempt be provided upon request to any person requesting the record. This process is current decentralized throughout the City of Oakland with a direct impact to the ability of the City to respond efficiently and economically to public record requests.

    Goal – The goal of the public records process should be to establish a centralized public records response function within the City.

    Recommendation: The public records response function should be maintained by one business unit that has the responsibility to reach out to all agencies within the City to provide the public with quality service.

    Current Status: This item is not even on the radar for consideration at this time. Due to the impact of this process to the public perception of the effectiveness of government this should be considered for future discussion.

SUSTAINABLE OPPORTUNITIES

There are no sustainable opportunities associated with this report.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen access issues contained in this report.

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RECOMMENDATIONS

The City Clerk's Office requests that the City Council adopt a resolution for the revision to the City Council Ordinance 11370 CMS, The City Wide Records Management Program to provide industry consistency in the management of important business information.

ACTION REQUESTED OF THE CITY COUNCIL

The City Clerk's Office requests that the City Council adopt the resolution.

Respectfully submitted,

LATONDA SIMMONS
Office of the City Clerk

Individual Assigned:
Eleuterio Gamino

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