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My Word: Oakland must reform its record keeping

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Section: Opinion

John Russo and Courtney Ruby Guest commentary

MORE THAN a year ago, we wrote in this space about the need for immediate reform of the way City Hall handles public records. As Oakland's elected watchdog officials, we had serious concerns about the lack of transparency and accountability — not to mention the huge legal and financial liability — caused by poor records management.

Last November, the offices of the City Auditor and the City Attorney, along with the Public Ethics Commission, proposed urgent reforms of the city's records-keeping policies and practices — especially the practice of permanently deleting public e-mail records from the city's servers after only 30 days.

A year after our proposal to the City Council, we wish we could report some progress. We can't.

A records committee formed as part of our proposal has been bogged down by department staff's sporadic attendance, the resignation of the city's records manager and lack of attention by the City Council and City Administrator. Oakland's abysmal handling of public records remains a disgrace and a major liability for taxpayers.

An example of this liability came to light in recent weeks when the City's Finance and Management Agency reported that about \$4 million in outstanding debts were unresolvable and had to be written off. Almost \$3 million owed to the city by perfectly solvent organizations like PG&E, the U.S. Navy and the state Department of Corrections, must be written off because staff "lacks the institutional knowledge and documentation to support these invoices." In other words, no records or invoices exist to back up the city's accounting.

We also routinely see the city's legal position compromised by faulty records management.

In a recent trip-and-fall lawsuit, we were forced to pay \$25,000 when the Public Works Agency found documents showing clear liability for the city — but only after we had gone through the discovery process. If the records had been available upfront, the cost to taxpayers would have been a fraction of what it was.

Unfortunately, it is only a matter of time before the city is on the hook for a much larger amount because of missing or incomplete records.

Because a great and increasing part of the city's business is conducted by e-mail, it is especially important that Oakland change its policy of permanently dumping deleted e-mails after only one month.

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The city's current policy boils down to: "If it's important, print it out and save it in a file."

It is difficult to protect the city from lawsuits or follow an audit trail when critical documentation is systematically deleted. The cost of putting in a modern storage system and extending the retention time for the entire city is far outweighed by the legal and financial liability we consistently face because of missing e-mail records.

But the city's records problem is about more than just the financial cost. When we lose or erase important directives, decisions and paper trails, it puts a shroud of secrecy over the workings of City Hall and prevents public officials from being held accountable for their actions. Transparency is impossible without a proper accounting of the actions we take on the public's behalf.

The city has a responsibility to maintain records in good order for the people of Oakland. We strongly urge this administration to partner with our offices to meet that responsibility.

John Russo is Oakland's elected City Attorney. **Courtney Ruby** is Oakland's elected City Auditor.

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