

# Item 5 - Planning And Building Department Records

## CITY OF OAKLAND

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### Public Ethics Commission

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July 10, 2024

William Gilchrist

Director

Oakland Planning and Building Department

150 Frank H. Ogawa Plaza,

Oakland, CA 94612

### **RE: Requested appearance at the Public Ethics Commission's September 11, 2024 meeting regarding public records requests made to the Oakland Planning and Building Department**

Dear Director Gilchrist:

On behalf of the Public Ethics Commission (PEC or Commission), we would like to invite you or a designee from the Oakland Planning and Building Department (OPB) to present at the Commission's September 11, 2024, meeting to provide information on the Department's process, successes, and challenges in responding to public records requests. The Commission will meet on September 11, 2024, at 6:30 p.m. in Hearing Room 1 at City Hall.

As you likely know, the Public Ethics Commission oversees compliance with the Oakland Sunshine Ordinance and its state equivalent, the California Public Records Act. The Sunshine Ordinance, as a supplement to state law, also authorizes the PEC to mediate between requesters seeking public records and City employees responding to their requests. In addition, under the City Charter, the PEC is required to periodically study the laws within its purview to make administrative or policy change recommendations to the City Council (City Charter Section 603(b)(2) & (7)).

As part of this responsibility, the Commission is currently engaged in a study of the City's process for responding to records requests. In 2024, the Commission set a goal of inviting the three departments with the largest volume of records requests to present before the Commission on their process. We heard presentations from the Oakland Police Department in January and from the Oakland Fire Department in April.

As one of the other departments with the highest volume of requests, we would love to learn more about OPB's experiences. Our goals are to learn more about OPB's capacity and challenges, discover any commonalities between City departments, and recommend changes to improve performance and capacity with regard to public records requests. We hope to partner with you to help identify any resources you need to address challenges and potentially find efficiencies that could be implemented to benefit OPB and the public.

To this end, the Commission would appreciate hearing from you regarding the following questions:

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1. How many records requests are submitted to your department each week/month/year?
2. What percentage of requests receive a response within 10 days providing a determination of whether there are responsive records?
3. Does the department categorize the requests that are received for data and reporting purposes? If so, please list the categories your department uses and the number of requests received for each category. Are any of these categories easier or harder to respond to?
4. What is the department's existing process for responding to public records requests? How do requests typically come to your department and who handles the initial contact, ongoing communications and response to the requester?
5. What are the biggest challenges your department faces in responding to records requests?
6. Do you have any staff dedicated to responding to records requests? How many vacancies exist among total funded positions that respond to records requests? Are your total funded positions adequate to respond to records requests? If not, what positions and how many would be sufficient?
7. Does your agency provide, or have you considered providing, a self-service means of handling routine requests, i.e. having some portion of the website where a request can be made and fulfilled without human intervention?
8. What process or technology changes, if any, have you made to improve response to records requests, including but not limited to self-service access to records?
9. What training and support do you provide to employees with responsibilities in the department's records retention and public records response process? How is the performance of these employees measured with regard to public records retention and response? (Please note we are only requesting to know how performance is measured in general, and not any particular employee's performance.)
10. What is the Department's experience using the NextRequest platform to manage and respond to public records requests? Is it working? How can it be improved?
11. What additional information would you like to share with the Commission on this issue?

Thank you in advance for your cooperation with the Commission's review pursuant to its authority under the City Charter. Could you please confirm by July 29 whether you or a Department designee (and if so who) will attend the PEC's September 11 meeting? To facilitate discussion, it would be helpful if OPB could provide written responses to the questions above by August 23, 2024, so that they may be included with the agenda for the September meeting.

Please feel free to reach out if you would like to discuss these questions, or the context for the Commission's inquiry. You may contact me directly at (510) 604-1002 or [nheidorn@oaklandca.gov](mailto:nheidorn@oaklandca.gov).

Sincerely,

/s/ *Nicolas Heidorn*

Nicolas Heidorn  
Executive Director  
Oakland Public Ethics Commission

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1. How many records requests are submitted to your department each week/month/year?

In 2021 we received 2712 requests. In 2022 we received 2352 requests. In 2023 we received 2265 requests. In 2024, as of September 20th, we have received 1910 requests.

2. What percentage of requests receive a response within 10 days providing a determination of whether there are responsive records?

All of our requests receive a response within 10 days. 45% of our requests are completed within 10 days, 84% of our requests are completed within 20 days, and 93% of our requests are completed within 30 days. The average number of days it takes us to complete a request is 14 days.

3. Does the department categorize the requests that are received for data and reporting purposes? If so, please list the categories your department uses, and the number of requests received for each category. Are any of these categories easier or harder to respond to?

We do not categorize by type of request for reporting purposes. Internally within the Records Team, we assign to staff based on whether the requester is asking for building plans. Building plan requests are more time consuming because we first must retrieve the plans from offsite storage. In addition, state law grants copyright protection to the Architect or Engineer who created the plans, and we are required to obtain certain signed authorizations to allow duplication of the plans.

4. What is the department's existing process for responding to public records requests? How do requests typically come to your department and who handles the initial contact, ongoing communications, and response to the requester?

Requests are handled within the NextRequest portal. We occasionally receive requests via email, and we ask the requester to submit it in NextRequest. Review staff in the Records Team are assigned to review requests daily, determine if the request is for records our department handles, and, if so, assign to a team member for research. If the request is for information handled by a different department, we reassign within NextRequest. If the request is for information from a different public agency (County, State, etc.), we provide the agency name and, if known, a link to their website.

For requests that do not involve building plans, once assigned staff complete their research, then review staff will check to ensure that documents respond to the request and have been redacted (wherever necessary) after which they will be posted to NextRequest, and the request will be closed. If the request includes building plans, then the initial document retrieval will be uploaded to NextRequest, and a message will be posted that plan information will be provided separately.

5. What are the biggest challenges your department faces in responding to records requests?

Providing email communications requests is a challenge for us. Although the new EDDR request portal that IT has provided makes submission of the requests easier, it can take up to a month or more to receive the information.

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6. Do you have any staff dedicated to responding to records requests? How many vacancies exist among total funded positions that respond to records requests? Are your total funded positions adequate to respond to records requests? If not, what positions and how many would be sufficient?

We currently have a Records Team that consists of nine (9) staff members: one Admin Analyst II, two Senior PSRs, five PSRs and one Office Assistant II.

Current vacancies are: One Admin Analyst II, and one Office Assistant II.

7. Does your agency provide, or have you considered providing, a self-service means of handling routine requests, i.e. having some portion of the website where a request can be made and fulfilled without human intervention?

We have an online permit portal where requesters can see information from the Accela database (approximately 1987 to the present). There is also an online database of microfiche that is accessible by the public. The microfiche records cover approximately 1904-1993.

Due to the legal requirements to redact certain information from records and protect the copyright of building plans, it would not be possible for our department to offer an entirely self-service system of records requests.

8. What process or technology changes, if any, have you made to improve response to records requests, including but not limited to self-service access to records?

Our online search and public-facing microfiche database have made more information readily available to the public.

Internally, over the last two years we have been working within the OneDrive system to create logs and tracking systems so that we can better track our responses to requests and ensure compliance with state and local laws and our department's KPIs.

9. What training and support do you provide to employees with responsibilities in the department's records retention and public records response process? How is the performance of these employees measured with regard to public records retention and response? (Please note we are only requesting to know how performance is measured in general, and not any particular employee's performance.)

We provide initial and on-going training and support to Records Team staff. When staff start working in the team, senior staff meet one-on-one to explain the core responsibilities of the team, we provide thorough explanations of the state and local laws that govern our work, and we have them shadow longer-term staff to learn the different tasks we perform. In addition, we conduct bi-weekly team staff meetings to go over new information, ask for input from staff for ways we can improve our work, and ask for anything staff feels they need in the way of skills training and information.

We track the number of PIR and subpoenas that are assigned to each team member.

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10. What is the Department's experience using the NextRequest platform to manage and respond to public records requests? Is it working? How can it be improved?

All our requests are handled within the NextRequest portal. The consensus within the team is that it works well. We would like to request a couple of minor additions to the pre-set responses if able.

11. What additional information would you like to share with the Commission on this issue?

We are dedicated to providing accurate records in the quickest amount of time. We have made a number of operational and digital improvements to help us meet these goals.

We are excited to take part in the City's efforts to digitize all of our records. We strongly believe digitizing our records will increase both the efficiency and the quality of our work.