

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Maureen Benson, City Clerk
Prepared by: Blanca Garza, Deputy City Clerk *BY*

DATE: April 12, 2011 (CC Meeting of 5/04/2011)

SUBJECT: Consider Resolution Authorizing the Destruction of Certain February 28, 2006, Special Election Records

BACKGROUND

California Election Code Sections 2188(f), 17001, and 17300 authorize the destruction of specified local election records after five years from the date of the election; and California Election Code Sections 17302, 17304, and 17503 authorize the destruction of specified local election records after six months from the date of the election. California Penal Code Sections 801.5 and 803c authorize the destruction of Election Worker Loyalty Oaths after the duration of office plus four years. Government Code Section 34090, et. seq., authorizes the head of a city department to destroy any city record, document instrument, book or paper, under his/her charge, without making a copy thereof, after the same is no longer required after the minimum retention period of two years has been met, with the approval of the legislative body by resolution and the written consent of the City Attorney.

The proposed destruction of records is consistent with the City Council's approved Records Retention Schedule, the Secretary of State's Local Government Records Management Guidelines and/or State and Federal law. A Special Election for the North Park Village Project was held on February 28, 2006. The election records proposed for destruction do not affect title to real property or liens thereon, are not court records or matters of pending or threatened litigation, are not minutes, ordinances or resolutions of the City Council or any board or commission of the City; are not agreement, development project and/or capital project files; and are not records required to be kept by statute.

DISCUSSION

The election records proposed for destruction are listed on Exhibit A of the attached resolution and destruction has been approved and consented to by the City Attorney and City Clerk. The records recommended for destruction are certain February 28, 2006, Special Election records, which meet or exceed required retention periods. City Council Resolution No. 2006-2515 adopted on September 20, 2006, previously authorized destruction of other election records from the February 28, 2006 Special Election which had a six (6) month retention. The records with a six (6) month retention currently listed on Exhibit A were inadvertently left out of the previous destruction request.

FISCAL IMPACT

The destruction of the specified records noted in the attached draft resolution may create a cost for shredding, unless the City is able to retain this service at no cost. Destruction of the specified records would eliminate the cost for storage.

STAFF RECOMMENDATION

Adopt Resolution No. 2011-_____.

Attachment: Draft Resolution

RESOLUTION NO. 2011-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN FEBRUARY 28, 2006, SPECIAL ELECTION RECORDS

WHEREAS, A Special Election was held on February 28, 2006; and

WHEREAS, California Election Code Sections 2188(f), 17001 and 17300 authorize the destruction of specified local election records, after five years from the date of the election; and

WHEREAS, California Election Code Sections 17302, 17304, and 17503 authorize the destruction of specified local election records, packages or containers after six months from the date of the election if the vote was not contested nor if a criminal prosecution involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures has been commenced; and

WHEREAS, California Penal Code Sections 801.5 and 803c specify the retention period for Election Worker Loyalty Oaths for the duration of office plus four years; and

WHEREAS, Government Code Section 34090, et. seq., authorizes the destruction of City records that are no longer required after the minimum retention period of two years has been met, with the approval of the legislative body by resolution and the written consent of the City Attorney.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds that the election records set forth in Exhibit "A", attached hereto, are older than five years from the date of the election or application, and a contest has not been commenced within the six-month period, nor has a criminal prosecution involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures commenced.

SECTION 2. The City Council also finds that the City Attorney and the City Clerk have given written consent to the destruction of said election records, as shown on Exhibit "A".

SECTION 3. The City Council hereby authorizes the City Clerk/Elections Official to destroy the City Records listed in Exhibit "A" in accordance with the requirements of state law.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 4th day of May, 2011.

Janice S. Parvin, Mayor

ATTEST:

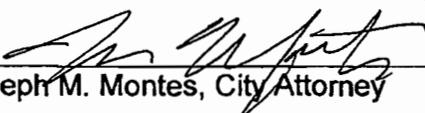
Maureen Benson, City Clerk

Attachment: Exhibit "A"

EXHIBIT "A"
RECORDS DESTRUCTION CONSENT

DESCRIPTION	DATES OF RECORDS	RETENTION REQUIREMENT (YEARS)	CITATION (For longest retention period)
Absent Voter Alphabetical Lists	Special Election of February 28, 2006	Closed + 5 Years	Election Code 17300
Affidavit Index, Election	Special Election of February 28, 2006	Closed + 5 Years	Election Code 17001
Applications for Voter Registration Information	Special Election of February 28, 2006	Date of Application + 5 Years	Election Code 2188(f)
Correspondence Related to Special Election	Special Election of February 28, 2006	Election + 2 Years	Government Code 34090
Department of Justice Precinct Check-off List	Special Election of February 28, 2006	Election + 6 Months	Election Code 17503
Deputy Appointments Pursuant to Government Code Section 40813	December 2005 to January 2006	Current + 2 Years	Government Code 34090
Logic & Accuracy Certification / Election Results	Special Election of February 28, 2006	Election + 6 Months	Election Code 17302
Election Worker Loyalty Oaths	Special Election of February 28, 2006	Duration of Office + 4 Years	Penal Code 801.5 and 803c
Precinct Records: Precinct Worker Payroll Records; Roster Receipt Listing; Receipt for Official Ballots, Precinct Supplies, Etc.; Precinct Worker Sign-in; Tally Sheets (Seven); and Copies of Street Index	Special Election of February 28, 2006	Election + 6 Months	Election Code 17503
Rosters of Voters: Roster of Voters; Polling Place Location Report; Permanent Absent Voter and Supplemental Lists; Voter ID Report; and Rosters of Voters Voting Provisional and Returning Vote by Mail Ballots at Polling Place	Special Election of February 28, 2006	Closed + 5 Years	Election Code 17300
Summary Absentee Reports	Special Election of February 28, 2006	Election + 6 Months	Election Code 17304
Voter File, City of Moorpark (Electronic Record)	Special Election of February 28, 2006	Closed + 5 Years	Election Code 17300

Consent to Destruction:


 Joseph M. Montes, City Attorney


 Maureen Benson, City Clerk/Elections Official