ITEM 10.J.

# MOORPARK CITY COUNCIL
# AGENDA REPORT

**TO:** **Honorable City Council**

**FROM:** **Deborah S. Traffenstedt, Administrative Services Director/City Clerk** DST

**DATE:** **October 26, 2006 (CC Meeting of 11/1/2006)**

**SUBJECT:** **Consider City Council Policy Authorizing the City Clerk's Approval of Records Destruction in Accordance with Government Code 34090.5**

## BACKGROUND AND DISCUSSION

Government Code Section 34090.5 provides the authority for the city officer having custody of public records, documents, instruments, books, and papers, without the approval of the legislative body or the written consent of the city attorney, to cause to be destroyed any or all of the records, documents, instruments, books, and papers, if all of the following conditions are complied with:

> "(a) The record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document, or reproduced on film, optical disk, or any other medium in compliance with Section 12168.7 for recording of permanent records or nonpermanent records.
> (b) The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one which accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document images.
> (c) The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are made as accessible for public reference as the original records were.
> (d) A true copy of archival quality of the film, optical disk, or any other medium reproductions shall be kept in a safe and separate place for security purposes.

> However, no page of any record, paper, or document shall be destroyed if any page cannot be reproduced on film with full legibility. Every unreproducible page shall be permanently preserved in a manner that will afford easy reference."

Municipal Code Section 2.16.030.4 designates the City Clerk as the official custodian of all city records; and the City's electronic imaging system (Questys) provides full compliance with Government Code Section 34090.5. Therefore, staff is recommending that the Council adopt the following policy:

**In accordance with Government Code Section 34090.5, and Municipal Code Section 2.16.030.4, the City Council authorizes the City Clerk to approve the destruction of records, documents, instruments, books, and papers, without the approval of the legislative body or the written consent of the city attorney, subject to compliance with the conditions specified in Government Code Section 34090.5.**

An example of records that have been scanned into Questys for permanent retention, for which the paper and microfiche files are now intended to be destroyed, are the Building and Safety building permit street files and tract files for the years 1956-2004. The referenced Building and Safety records were scanned into Questys several years ago and staff has been testing the database since that time. Building and Safety and Community Development staff are confident that the quality of the scanning is excellent and the electronic files have made the files more accessible to staff and the public. As an example of improved accessibility, the City no longer even has the equipment to read or print microfiche records.

The City has a comprehensive file back-up system in place that ensures that the permanent records stored in Questys will not be lost. Once every week a complete backup of the network data is made on tapes, and the other days of the week any of the files that have changed are backed up again. These backup tapes are sent each week to an offsite storage facility in Simi Valley that is equipped for the storage of electronic records, and these backup tapes are rotated every two weeks. Two times each year a complete backup of the network data is sent offsite to a long-term storage facility in Utah. Questys is additionally backed up on WORM (Write Once Read Many) optical disks. These optical disks stay on the premises at City Hall.

## STAFF RECOMMENDATION

Approve a policy as described in the staff report, and direct staff to incorporate the policy in the City Council Policies Resolution at the time of the next update.