

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Deborah S. Traffenstedt, Administrative Services Director/City Clerk ^{DST}
Prepared by: Blanca Garza, Deputy City Clerk BG

DATE: March 16, 2010 (CC Meeting of 4/21/2010)

SUBJECT: Consider Resolution Authorizing the Destruction of Specified Finance and Human Resources Records

BACKGROUND AND DISCUSSION

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 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. This section does not authorize the destruction of: (a) Records affecting the title to real property or liens thereon; (b) Court records; (c) Records required to be kept by statute; (d) Records less than two years old; (e) The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

The State Code of Civil Procedure Section 337 prescribes the time periods for the commencement of certain legal actions, and thereby extends the minimum retention period for certain types of files, including a minimum four-year retention for files pertaining to any contract, obligation or liability founded upon an instrument in writing; an action to recover upon an account; and an action based upon a rescission of an account in writing.

The City Attorney's written consent is included with the attached draft resolution. The Finance and Human Resources records that are intended to be destroyed are shown on the list attached to the resolution (Exhibit "A") and the applicable retention periods are included. 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. The longest required retention period has been complied with for the records proposed for destruction. The records 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; and are not records required to be kept by statute.

FISCAL IMPACT

The destruction of the specified records noted in the attached draft resolution will create an expense to destroy the records by shredding. The authorization will also reduce costs by eliminating the need to store the records which have met their retention.

STAFF RECOMMENDATION

Adopt Resolution No. 2010-_____.

Attachment: Draft Resolution

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF SPECIFIED RECORDS (FINANCE AND HUMAN RESOURCES)

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; and

WHEREAS, the State Code of Civil Procedure Section 337 prescribes the time periods for the commencement of certain legal actions, and thereby extends the minimum retention period for certain types of files, including a minimum four-year retention for files pertaining to any contract, obligation or liability founded upon an instrument in writing; an action to recover upon an account; and an action based upon a rescission of an account in writing; and

WHEREAS, Records currently held by the City of Moorpark, which are no longer required and which need not be retained as provided for in the Government Code and State and Federal authorities may be destroyed in accordance with the appropriate provisions.

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

SECTION 1. The City Council finds that the records set forth in Exhibit "A", attached hereto, are older than the applicable retention periods required by the City Council's approved Records Retention Schedule, the Secretary of State's Local Government Records Management Guidelines and/or State and Federal law; and the records 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; and are not records required to be kept by statute.

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

SECTION 3. The City Council hereby authorizes the City Clerk to destroy the City Records listed in Exhibit "A".

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 21st day of April, 2010.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk

Attachment: Exhibit "A"

EXHIBIT "A"
RECORDS DESTRUCTION CONSENT

Citations: California Government (GC) Code, Section 34090, et. seq.,
California Code of Civil Procedure (CCP), Section 337,
Code of Federal Regulations, 26 CFR 16001-1, and
City of Moorpark Records Retention Schedule (MRRS)

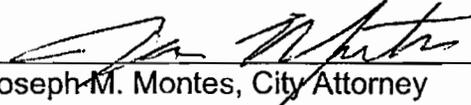
Description	Dates of Records	Retention Requirement (Years)	Citation (For Longest Retention Period)
Accounts Payable Files, Vendor Folders: Charles Abbott Vendor Files, Contract City Engineer and Building & Safety (copies of checks/invoices)	7/1989 – 6/1994	Audit + 5 Years	MRRS
Accounts Payable, Vendor Payment History	7/1991 – 6/1996	Audit + 5 Years	MRRS
Accounts Receivable	1991 – 2002	Audit + 5 Years	MRRS
Bank Reconciliations	1993 – 1994; 7/1995 – 2002	Audit + 5 Years	GC 34090; 26 CFR 16001-1
Checks, Manual Check Stubs	2/1996 – 6/1997; 1/1998 – 6/1999	Audit + 5 Years	GC 35090; CCP 337
Checks, Blank/Unused (Numbers 1017 to 1503)	Not Applicable	Audit + 5 Years	GC 35090; CCP 337
Unsolicited Applications/Resumes for Employment	2005 – 2006	Current + 2 Years	GC 34090

Approved for Destruction:

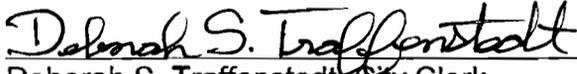


Ron Ahlers, Finance Director

Consent to Destruction:



Joseph M. Montes, City Attorney



Deborah S. Traffenstedt, City Clerk