

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

DATE: January 20, 2012 (CC Meeting of 3/07/2012)

SUBJECT: Consider Resolution Authorizing the Destruction of City Records (Temporary Use Permits, Film Permits, Community Development Daily Time Accounting Charge / Activity Sheets, Community Development Entitlement Project Number and Finance Control Code Time Accounting Sheets, and Community Development Bi-weekly Project Entitlement Time Accounting Time Sheets) on File in the Community Development Department

BACKGROUND

Staff is requesting authorization to destroy Temporary Use Permits, Film Permits, Community Development Daily Time Accounting Charge / Activity Sheets, Community Development Entitlement Project Number and Finance Control Code Time Accounting Sheets, Community Development Bi-weekly Project Entitlement Time Accounting Time Sheets on file in the Community Development Department.

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.

In accordance with Government Code Section 34090, 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; are not agreement, development project and/or capital project files; and are not records required to be kept by statute. The destruction of the listed records on Exhibit A is consistent with the City Council's approved Records Retention Schedule, the California Government Code, and the Secretary of State's Local Government Records Management Guidelines. A retention was not applicable under the Code of Federal Regulations for the listed records.

DISCUSSION

All records proposed for destruction meet the required retention periods, and the applicable retention periods are included for reference. The adopted City of Moorpark Records Retention Schedule exceeds the two-year retention required by the Government Code Section 34090 and instead authorizes the destruction of Temporary Use Permits after Closed / Completed plus 3 years but the Community Development Director has made an Administrative Decision to retain the Temporary Use Permits and Film Permits for 5 years for historical reference. The adopted City of Moorpark Records Retention Schedule exceeds the two-year retention required by Government Code Section 34090 and instead authorizes the destruction of Accounts Payable Files, including backup data and supporting documents after Audit plus 5 years.

The City Attorney's written consent is included with the attached draft resolution, and the proposed destruction of records is consistent with the City Council's approved Records Retention Schedule and related State laws.

FISCAL IMPACT

The destruction of the specified records noted in the attached draft resolution will not create an expense and will eliminate the cost to store records which have met their retention.

STAFF RECOMMENDATION

Adopt Resolution No. 2012-____.

Attachment: Draft Resolution

RESOLUTION NO. 2012-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS (TEMPORARY USE PERMITS, FILM PERMITS, COMMUNITY DEVELOPMENT DAILY TIME ACCOUNTING CHARGE/ACTIVITY SHEETS, COMMUNITY DEVELOPMENT ENTITLEMENT PROJECT NUMBER AND FINANCE CONTROL CODE TIME ACCOUNTING SHEETS, COMMUNITY DEVELOPMENT BI-WEEKLY PROJECT ENTITLEMENT TIME ACCOUNTING TIME SHEETS) ON FILE IN THE COMMUNITY DEVELOPMENT DEPARTMENT

WHEREAS, Government Code Section 34090, authorizes the destruction of City records, unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the city attorney the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required; and

WHEREAS, Government Code Section 34090 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; and

WHEREAS, the adopted City of Moorpark Records Retention Schedule, exceeds the two-year retention required by Government Code Section 34090 and instead authorizes the destruction of Temporary Use Permits after Closed / Completed plus 3 years; and

WHEREAS, the adopted City of Moorpark Records Retention Schedule, exceeds the two-year retention required by Government Code Section 34090 and instead authorizes the destruction of Accounts Payable Files, including backup data and supporting documents, after Audit plus 5 years; and

WHEREAS, the Code of Federal Regulations does not include a citation for this record series.

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 State law (Government Code Section 34090) and the City of Moorpark's adopted Retention Schedule.

SECTION 2. 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 3. 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 4. The City Council hereby authorizes the City Clerk to destroy the City Records listed in Exhibit "A".

SECTION 5. 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 7th day of March, 2012.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachment: Exhibit "A"

EXHIBIT "A"
RECORDS DESTRUCTION CONSENT

Citations Sources:

Code of Federal Regulations: None Applicable
California Government (GC) Code, Section 34090, et. seq.
California Local Government Records Management Guidelines (CLGRMG)
City of Moorpark Records Retention Schedule (MRRS)

DESCRIPTION	DATES OF RECORDS	RETENTION REQUIREMENT (YEARS)	CITATION (For longest retention period)
Temporary Use Permits	January 1990 through December 2006	Current + 3 Years	MRRS
Film Permits	January 1984 Through December 2006	Expiration + 2 Years	MRRS
Community Development Daily Time Accounting Charge/Activity Sheets (Accounts Payable Back-up Data/Supporting Documents)	January 1993 Through December 2002	Audit + 5 Years	MRRS
Community Development Entitlement Project Number and Finance Control Code Time Accounting Sheets (Accounts Payable Back-up Data/Supporting Documents)	January 1995 Through December 1996	Audit + 5 Years	MRRS
Community Development Bi-weekly Project Entitlement Time Accounting Time Sheets (Accounts Payable Back-up Data/Supporting Documents)	January 2002 Through December 2004	Audit + 5 Years	MRRS

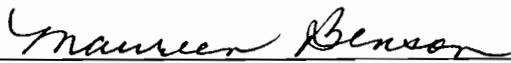
Consent to Destruction:



Dave Bobardt, Community Development Director



Joseph M. Montes, City Attorney



Maureen Benson, City Clerk