

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

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

**DATE:** March 12, 2012 (CC Meeting of 4/4/2012)

**SUBJECT:** Consider Resolution Authorizing the Destruction of City Records (1989, 1992 - 1997, 2003, 2005 - 2006 Closed Recruitment Records) on File in the Administrative Services Department

**BACKGROUND**

Staff is requesting authorization to destroy closed employment recruitment files for the years 1989, 1992 - 1997, 2003, and 2005 - 2006 from which all employment file documents pertaining to applicants who were hired by the City were previously removed and filed in employee personnel files.

The California Secretary of State's Local Government Records Management Guidelines recommend retaining the records proposed for destruction until Closed plus three (3) years and references the following citations as the retention requirement for the records proposed for destruction: 29 Code of Federal Regulations 1602 et seq.; 29 Code of Federal Regulations 1607; 29 Code of Federal Regulations 1627.3; and Government Code Section 12946.

The retention requirement, for records listed in Exhibit "A" of the attached draft resolution, pursuant to the approved City of Moorpark Records Retention Schedule is Closed/Completed plus two (2) years and the noted citation is 29 Code of Federal Regulations 1627.3. An Administrative Decision was made at the City of Moorpark to retain closed recruitment files for five (5) years after Closed/Completed, to ensure full compliance with Government Code Section 12946, which requires maintenance and preservation of any and all records and files until a verified complaint is fully and finally disposed of and all appeals or related proceedings terminated (which could include a verified complaint or lawsuit on a hiring decision).

**DISCUSSION**

All of the closed recruitment files proposed for destruction are over five (5) years old, and were retained pursuant to an Administrative Decision, exceeding the City Council's approved Records Retention Schedule and all of the State and Federal retention requirements. There are no current complaints, appeals, or lawsuits in process that relate

to the recruitment files that are proposed for destruction. The Deputy City Manager's, City Attorney's, and City Clerk's written consent to destruction are included with the attached draft resolution.

**FISCAL IMPACT**

The destruction of the specified closed recruitment files noted in the attached draft resolution will create an expense to have the records shredded but the destruction 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 (1989, 1992 - 1997, 2003, and 2005 - 2006 CLOSED RECRUITMENT RECORDS ON FILE IN THE ADMINISTRATIVE SERVICES DEPARTMENT)

WHEREAS, the closed recruitment files listed in Exhibit A to this resolution are proposed for destruction; and

WHEREAS, the Secretary of State's Local Government Records Management Guidelines recommended retention period for the type of records listed in Exhibit A is "Closed plus three (3) years," and the following citations are referenced as the basis for this retention: 29 Code of Federal Regulations 1602 et seq.; 29 Code of Federal Regulations 1607; and 29 Code of Federal Regulations 1627.3; and Government Code Section 12946; and

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 retention requirement for the listed records in the approved City of Moorpark Records Retention Schedule (MRRS) is "Closed/Completed plus two (2) years" and the noted citation is 29 Code of Federal Regulations 1627.3; and

WHEREAS, staff has made an administrative decision that maintaining closed recruitment records for at least five years ensures compliance with any longer retention period that is required by the filing of a verified complaint or appeal, pursuant to Government Code Section 12946; 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 approved City of Moorpark Records Retention Schedule, the Secretary of State's Local Government

Records Management Guidelines and/or State and Federal law 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 five (5) years; 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 records required to be kept by statute; and there are no current complaints or appeals in process that relate to the recruitment files that are proposed for destruction.

SECTION 2. The City Council finds that the records set forth in Exhibit "A", attached hereto, are older than the applicable retention periods required by Federal law (29 Code of Federal Regulations 1602 et seq., 29 Code of Federal Regulations 1607, and 29 Code of Federal Regulations 1627.3), State law (Government Code Sections 12946 and 34090), and the adopted City of Moorpark Records Retention Schedule.

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 4th day of April, 2012.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Attachment: Exhibit "A"

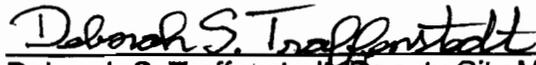
**EXHIBIT "A"**  
**RECORDS DESTRUCTION CONSENT**

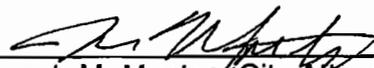
**Citations Sources:**

Code of Federal Regulations (CFR):  
29 CFR 1602 et seq., 29 CFR 1607, and 29 CFR 1627.3;  
California Local Government Records Management Guidelines (CLGRMG):  
California Government Code (GC) Section 12946 and Section 34090; and  
City of Moorpark Records Retention Schedule (MRRS)

DESCRIPTION	DATES OF RECORDS	RETENTION REQUIREMENT (YEARS)	CITATION (For longest retention period)
Closed Recruitment Records, as detailed below	1989, 1992 - 1997, 2003, 2005 - 2006	Closed + 3 Years	CLGRMG  (referencing 29 CFR 1602 et seq.; 29 CFR 1607; 29 CFR 1627.3; GC 12946) and GC 34090

Consent to Destruction:

  
\_\_\_\_\_  
Deborah S. Traffenstedt, Deputy City Manager,  
Administrative Services Department Director

  
\_\_\_\_\_  
Joseph M. Montes, City Attorney

  
\_\_\_\_\_  
Maureen Benson, City Clerk

Destruction of Paper Files for the Following Closed Recruitment Records:  
(For recruitments not including a specific day closed, the month/year is noted.  
The retention period begins from the last day of each noted month/year.)

- Account Clerk – 1/31/1994; 6/14/1994; 5/05/1995
- Account Technician – 1/31/1994
- Account Technician I or II – 6/2003; 10/2004
- Active Adult Center Recreation Leader II – 2005
- Administrative Aide – 9/25/1992; 2/03/1993; 4/26/1993; 10/14/1994; 11/1994; 5/2003

Administrative Intern – 1/17/1995  
Administrative Secretary – 5/01/1992; 9/08/1992  
Assistant City Engineer – 3/2005  
Assistant Engineer – 11/03/2006  
Assistant Planner – 2/04/2005; 9/09/2005  
Associate Civil Engineer – 11/03/2006  
Associate Engineer – 11/2006  
Associate Planner – 10/25/1996; 9/2005  
Box Office Cashier – 8/25/2006  
Camp Counselor – 1997  
Camp Moorpark – 2005  
Camp Moorpark Program Director – 2006  
Camp Moorpark Recreation Aide – 5/2006  
Camp Moorpark Recreation Leader I, II and III – 5/2006  
City Clerk – 4/17/1989  
City Engineer – 8/19/2003  
Clerical Aide – 11/30/1992; 11/01/1993; 8/05/1994; 1996  
Clerical Aide II – 6/09/2006  
Clerk, Recreation Division – 1/2003  
Code Enforcement Officer – 10/29/1993  
Community Development Director – 7/10/1992  
Community Development Technician – 6/16/2006  
Community Services Director – 5/11/1992  
Community Services Technician – 1/31/2003  
Crossing Guard – 3/09/1992; 3/27/1992; 8/27/1992; 1/05/1993; 2003; 8/2004; 8/2006  
Crossing Guard Supervisor – 5/13/2005; 8/17/2005  
Crossing Guard/Clerical Aide – 2005  
Executive Secretary – 5/11/1992; 9/08/1992; 9/21/1992  
Facilities Maintenance Technician – 8/21/2006  
Finance/Accounting Manager – 3/11/2005  
Information Systems Technician – 4/01/2005  
Information Systems Technician or Intern – 1/2004  
Laborer I & II – 3/27/1992  
Laborer II – 1992  
Labor/Custodian II & III – 2005; 10/18/2006  
Maintenance Worker (Parks) – 8/23/1993  
Maintenance Worker I – 3/27/1992; 10/04/1992; 10/30/1992; 5/07/1993; 1/18/1994;  
6/16/1995; 5/2004; 2006  
Maintenance Worker I or II – 2006  
Management Analyst – 8/20/1993; 8/04/1995  
Parks & Facilities Superintendent or Supervisor – 8/21/2006  
Parks & Landscape Manager – 8/21/2006  
Planning Technician I or II – 2/04/2005  
Public Works Supervisor/Superintendent – 10/2004  
Records Clerk – 2/03/1993; 5/1994; 10/11/1994; 1/06/1995

Recreation Aide/Leader 2/2004  
Recreation & Community Services Manager – 11/10/2006  
Recreation Coordinator I – 8/19/2005; 11/2006  
Recreation Coordinator II – 4/15/2005  
Recreation Leader – 6/16/1992; 4/2003; 2003  
Recreation Leader I (Senior Center Assistant) – 8/05/1994; 10/03/1994  
Recreation Leader I or II – 9/02/2005; 2005  
Recreation Leader II – 4/03/1995  
Recreation Leader II/III – 9/18/1996  
Recreation Leader III – 3/04/1994; 5/27/1994  
Recreation Leader IV – 6/16/2006  
Recreation Manager – 1/14/2005; 4/07/2006  
Recreation Supervisor – 3/04/1994  
Redevelopment Manager – 1/31/2005  
Secretary – 5/14/1993; 5/21/1993  
Secretary I – 7/29/2005; 8/04/2006  
Secretary I or II – 7/2003  
Senior Center Coordinator – 9/21/1992  
Senior Center Recreation Leader – 7/10/1995  
Senior Civil Engineer – 11/03/2006  
Senior Management Analyst – 1/31/2005; 6/16/2006; 11/03/2006  
Senior Nutrition Coordinator – 7/29/2005  
Senior Planner/Associate Planner – 4/15/2005  
Summer Camp Counselor – 5/21/1993; 5/20/1994; 4/28/1995; 6/12/1995; 1995; 1996

END