

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

DATE: May 7, 2012 (CC Meeting of 5/16/2012)

SUBJECT: Consider Resolution Authorizing the Destruction of City Records (Program Files [City Sponsored]: Copies of Check Requests for Instructor Payments and Refunds [Facility Rentals and Recreation Classes/Programs]; Receipts for Facility Reservations and Recreation Classes/Programs; Permits for Facility and Park Rentals with Waiver of Liability; Class Rosters, Registrant Attendance, and Sign-up Sheets) on File in the Parks, Recreation and Community Services Department

BACKGROUND

Staff is requesting authorization to destroy records on file in the Parks, Recreation and Community Services Department. Arroyo Vista Recreation Center staff submitted a request to destroy City sponsored program file records: copies of check requests for instructor payments and refunds (facility rentals and recreation classes/programs); receipts for facility reservations and recreation classes/programs; and permits for facility and park rentals with waiver of liability. Active Adult Center staff submitted a request to destroy class rosters, registrant attendance, and sign-up sheets.

DISCUSSION

All records proposed for destruction meet the required retention periods, and the applicable retention periods are included for reference on Exhibit A of the attached draft resolution. The retention period required by the adopted City of Moorpark Records Retention Schedule (MRRS) exceeds the two-year retention required by the Government Code Section 34090 and the current plus two-year required by the California Local Government Records Management Guidelines. The adopted MRRS authorizes the destruction of class rosters, registrant attendance and sign-up sheet records after 5 years; the destruction of City sponsored program file records (copies of check requests for instructor payments and refunds (facility rentals and recreation classes/programs) after closed/completed plus 5 years; and the destruction of permits for facility and park rentals with waiver of liability after 5 years. The MRRS authorizes the retention of receipts for facility reservations and recreation classes/programs to be audit plus 5 years which exceeds the audit plus 4 year

retention required by the California Local Government Records Management Guidelines, pursuant to the California Code of Civil Procedure Section 337.

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 create an expense to destroy the records by shredding. The authorization will also reduce costs by eliminating the need 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 (CITY SPONSORED PROGRAM FILE RECORDS: COPIES OF CHECK REQUESTS FOR INSTRUCTOR PAYMENTS AND REFUNDS [FACILITY RENTALS AND RECREATION CLASSES/PROGRAMS]; RECEIPTS FOR FACILITY RESERVATIONS AND RECREATION CLASSES/PROGRAMS; PERMITS FOR FACILITY AND PARK RENTALS WITH WAIVER OF LIABILITY; CLASS ROSTERS, REGISTRANT ATTENDANCE, AND SIGN-UP SHEETS) ON FILE IN THE PARKS, RECREATION AND COMMUNITY SERVICES 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 retention period required by the adopted City of Moorpark Records Retention Schedule, exceeds the two-year retention required by Government Code Section 34090 and the current plus two years required by the California Local Government Records Management Guidelines and instead, authorizes the destruction of class rosters, registrant attendance and sign-up sheet records after 5 years; and authorizes the destruction of City sponsored program file records (copies of check requests for instructor payments and refunds (facility rentals and recreation classes/programs) after closed/completed plus 5 years; and

WHEREAS, the retention period required by the adopted City of Moorpark Records Retention Schedule, exceeds the two-year retention required by Government Code Section 34090 and the current plus two years required by the California Local Government Records Management Guidelines and instead, authorizes the destruction of permits for facility and park rentals with waiver of liability after 5 years; and

WHEREAS, the adopted City of Moorpark Records Retention Schedule authorizes the retention of receipts for facility reservations and recreation classes/programs to be audit plus 5 years which exceeds the audit plus 4 year retention required by the California Local Government Records Management Guidelines, pursuant to the California Code of Civil Procedure Section 337.

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 Code of Civil Procedure Section 337), the California Local Government Records Management Guidelines, 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 16th day of May, 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 Code of Civil Procedure (CCP)
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)
Class Rosters, Registrant Attendance, and Class Sign-up Sheets (Active Adult Center)	July 2004 to December 2006	5 Years	MRRS
Program Files, (City Sponsored): Copies of Check Requests for Instructor Payments and Refunds [Facility Rentals and Recreation Classes/Programs] (Arroyo Vista Recreation Center)	2003 to 2006	Closed/Completed plus 5 Years	MRRS
Receipts for Facility Reservations and Recreation Classes/Programs (Arroyo Vista Recreation Center)	2003 to 2005	Audit plus 5 Years	MRRS
Permits (Contracts/Agreements), Facility and Park Rental with Waiver of Liability (Arroyo Vista Recreation Center)	2003 to 2005	5 Years	MRRS

Approved for Destruction:

Hugh Riley, Assistant City Manager

Consent to Destruction:



Joseph M. Montes, City Attorney



Maureen Benson, City Clerk