

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Maureen Benson, City Clerk 
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 (Film Permit Records: Correspondence, Applications, Permits, Agreements) on File in the Administrative Services Department

BACKGROUND

Staff is requesting authorization to destroy a variety of film permit records on file in the Central Files of the Administrative Services Department. On March 7, 2012, the City Council authorized the destruction of film permit records on file in the Community Development Department from January 1984 through December 2006. The related Central File records were inadvertently left out of the prior request and authorization for destruction is being requested at this time.

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) for the proposed destruction of a Hold Harmless Agreement (Agreements/Contracts), is closed plus 10 years pursuant to the California Code of Civil Procedure Section 337.15, which exceeds the terminated plus 5 year retention required by the California Local Government Records Management Guidelines. The adopted MRRS authorizes the destruction of film permits; and correspondence and supporting data related to film permits and filming to be expiration plus 2 years, which meets the retention required by the California *Local Government Records Management Guidelines pursuant to the California Government Code Section 34090, et. seq.*

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. The authorization will 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 (FILM PERMIT RECORDS: CORRESPONDENCE, APPLICATIONS, PERMITS, AGREEMENTS) ON FILE IN THE ADMINISTRATIVE 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 adopted City of Moorpark Records Retention Schedule authorizes the retention of Agreements/Contracts to be closed plus 10 years, pursuant to the California Code of Civil Procedure Section 337.15, which exceeds the terminated plus 5 year retention required by the California Local Government Records Management Guidelines; and

WHEREAS, applicable to the proposed record destruction, the California Code of Civil Procedure Section 337.15, states no action may be brought to recover damages from any person who develops real property or performs or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or construction of an improvement to real property more than 10 years after the substantial completion of the development or improvement, and the 10-year period shall commence upon substantial completion of the improvement, but not later than the date of use or occupation of the improvement, as applicable to the proposed record to be destroyed; 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 California Code of Civil Procedure Section 337.15), 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"

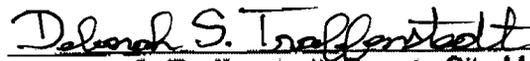
EXHIBIT "A"
RECORDS DESTRUCTION CONSENT

Citations Sources:

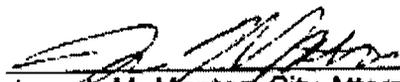
Code of Federal Regulations: None Applicable
California Government (GC) Code, Section 34090, et. seq.
California Code of Civil Procedure, Section 337.15
California Local Government Records Management Guidelines (CLGRMG)
City of Moorpark Records Retention Schedule (MRRS)

DESCRIPTION	DATES OF RECORDS	RETENTION REQUIREMENT (YEARS)	CITATION (For longest retention period)
Correspondence and Supporting Data, Related to Film Permits and Filming	September 1984 to October 1984; December 1984; September 1985; May 1986 to June 1986; May 1987 to June 1987; September 1987; November 1987; February 1988; August 1988; February 1989 to May 1989; February 1990 to May 1990; July 1990 to August 1990; August 2002	Expiration plus 2 Years	MRRS
Film Permits: Applications/ Commercial Motion Picture/ Still Photography Permits	June 1986; August 1986; June 1987; September 1987; April 1989; February 1990 to April 1990	Expiration plus 2 Years	MRRS
Release of all Claims and Hold Harmless Agreement, Related to Film Permits	November 1987	Closed plus 10 Years	MRRS

Approved for Destruction:


Deborah S. Traffenstedt, Deputy City Manager

Consent to Destruction:


Joseph M. Montes, City Attorney


Maureen Benson, City Clerk