

## ITEM 10.D.

### MOORPARK CITY COUNCIL AGENDA REPORT

**TO:** Honorable City Council

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

**DATE:** October 2, 2012 (CC Meeting of 10/17/2012)

**SUBJECT:** Consider Resolution Authorizing the Destruction of City Records (2009 City Council Speaker Cards and Written Statement Cards, 2009 Redevelopment Agency Speaker Cards and Written Statement Cards, 2001 - 2009 Planning Commission Speaker Cards and Written Statement Cards, and 1988 Parks and Recreation Commission Speaker Cards)

#### **BACKGROUND AND DISCUSSION**

Staff is requesting authorization to destroy City Council, Redevelopment Agency, Planning Commission, and Parks and Recreation Commission Speaker Cards and Written Statement Cards on file in the Administrative Services and Community Development Departments.

The approved City of Moorpark Records Retention Schedule does not specifically note the proposed record series for the applicable retention period. The *California Local Government Records Management Guidelines (CLGRMG)* notes the retention for original communications related to Agendas as current + 2 years, in accordance with the California Government Code Section 34090. A retention was not applicable under the Code of Federal Regulations for the proposed records.

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, 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 proposed destruction meets the retention required by the *CLGRMG* pursuant to 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 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 (2009 CITY COUNCIL SPEAKER CARDS AND WRITTEN STATEMENT CARDS, 2009 REDEVELOPMENT AGENCY SPEAKER CARDS AND WRITTEN STATEMENT CARDS, 2001 - 2009 PLANNING COMMISSION SPEAKER CARDS AND WRITTEN STATEMENT CARDS, AND 1988 PARKS AND RECREATION COMMISSION SPEAKER CARDS)

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 approved City of Moorpark Records Retention Schedule does not specifically note this record series for the applicable retention period; and

WHEREAS, the California Local Government Records Management Guidelines notes the retention for original communications related to Agendas as current + 2 years, in accordance with the California Government Code Section 34090; and

WHEREAS, the Code of Civil Procedure does not include a citation for this record series.

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), the California Local Government Records Management Guidelines, and the City of Moorpark's adopted Retention Schedule does not specifically note this record series for the applicable retention period.

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.

Management Guidelines, and the City of Moorpark's adopted Retention Schedule does not specifically note this record series for the applicable retention period.

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 17th day of October, 2012.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk

Attachment: Exhibit "A"

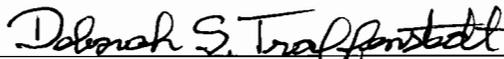
**EXHIBIT "A"**  
**RECORDS DESTRUCTION CONSENT**

**Citations Sources:**

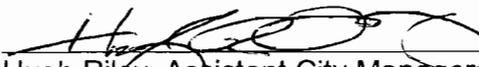
Code of Federal Regulations: None Applicable  
 California Government (GC) Code, Section 34090, et. seq.  
 California Code of Civil Procedure (CCP): None Applicable  
 California Local Government Records Management Guidelines (CLGRMG)  
 City of Moorpark Records Retention Schedule (MRRS): None Applicable

DESCRIPTION	DATES OF RECORDS	RETENTION REQUIREMENT (YEARS)	CITATION (For longest retention period)
City Council Speaker Cards	January 2009 to December 2009	Current + 2 Years	CLGRMG
City Council Written Statement Cards	January 2009 to December 2009	Current + 2 Years	CLGRMG
Redevelopment Agency Speaker Cards	January 2009 to December 2009	Current + 2 Years	CLGRMG
Redevelopment Agency Written Statement Cards	January 2009 to December 2009	Current + 2 Years	CLGRMG
Planning Commission Speaker Cards	January 2001 to December 2009	Current + 2 Years	CLGRMG
Planning Commission Written Statement Cards	January 2001 to December 2009	Current + 2 Years	CLGRMG
Parks and Recreation Commission Speaker Cards	January 1988 to March 1988	Current + 2 Years	CLGRMG

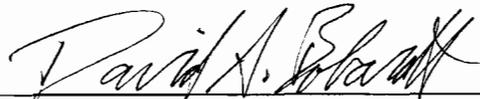
Approved for Destruction:

  
 Deborah S. Traffenstedt, Deputy City Manager

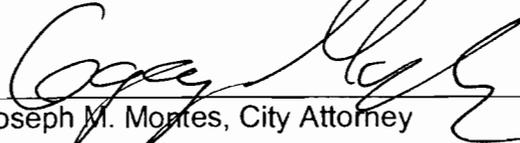
Approved for Destruction:

  
 Hugh Riley, Assistant City Manager

Approved for Destruction:

  
 Dave Bobardt, Community Development Department

Consent to Destruction:

  
 Joseph M. Montes, City Attorney

  
 Maureen Benson, City Clerk