

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Maureen Benson, City Clerk *mb*
Prepared by: Blanca Garza, Deputy City Clerk *B.G.*

DATE: May 21, 2013 (CC Meeting of 6/05/2013)

SUBJECT: Consider Resolution Authorizing the Destruction of City Records on File in the Administrative Services Department

BACKGROUND

Staff is requesting authorization to destroy master calendars for various City departments and divisions that are held electronically in Outlook, on file in the Administrative Services Department.

The approved City of Moorpark Records Retention Schedule (MRRS) does not specifically note the record series for master calendars. The *California Local Government Records Management Guidelines (CLGRMG)* notes the retention for City Calendars as current year plus 2 years, all in accordance with California Government Code Section 34090.

When determining a retention period for a record series, the City considers a number of factors, including whether the records may be useful in certain types of litigation and will retain the records for the applicable statute of limitations period set forth in the California Code of Civil Procedure. Additionally, the City will review federal law and regulations to determine whether those laws or regulations impact the length of time a record should be retained. In this case, neither the California Code of Civil Procedure nor the Code of Federal Regulations provide applicable guidance for retention of 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 unless the record falls into certain categories specified in Section 34090. In this case the records do not fall into those certain categories, as 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. Additionally, these records are not agreement, development project and/or capital project files.

DISCUSSION

All records proposed for destruction meet the proposed retention periods, and the applicable retention periods are included for reference. The Deputy City Manager, City Clerk, and City Attorney's written consent is included with the attached draft resolution. The destruction of the listed records is consistent with the California Government Code, the *CLGRMG*, and the approved MRRS. Neither the California Code of Civil Procedure nor the Code of Federal Regulations affect the record retention period for the listed records.

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. 2013-____.

Attachment: Draft Resolution

RESOLUTION NO. 2013-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS (MASTER ELECTRONIC OUTLOOK CALENDARS) ON FILE IN THE ADMINISTRATIVE SERVICES DEPARTMENT

WHEREAS, Government Code Section 34090 authorizes the head of a City department to destroy City records with the approval of the legislative body by resolution and the written consent of the city attorney after the records are no longer required, unless another law imposes a different process; 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 City maintains master calendars electronically in Outlook for City departments and divisions;

WHEREAS, the approved City of Moorpark Records Retention Schedule does not specifically note the record series for calendars or electronic Outlook calendars; and

WHEREAS, the California Local Government Records Management Guidelines (CLGRMG) recommends retention of City Calendars for current year plus two years, all in accordance with California Government Code Section 34090, and City staff is recommending retention periods consistent with CLGRMG guidance; and

WHEREAS, the California Code of Civil Procedure and the Code of Federal Regulations do not affect the record retention period for the listed 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 period required by State law (Government Code Section 34090), are older than the applicable retention period recommended by the California Local Government Records Management Guidelines, and are older than the retention period recommended by staff for their record series, and are not currently subject to a legal hold.

SECTION 2. "Legal Hold", as used herein, refers to the duty of the City to preserve and not destroy any records that are potentially relevant to any of the following in which the City may be involved: a reasonably anticipated claim or litigation; an ongoing claim or litigation; a pending employee grievance; a pending regulatory or governmental investigation; a pending subpoena; a pending Public Records Act

request, a pending audit, or similar legal matter. Any records subject to a Legal Hold must be preserved in all forms in which the record exists, including both paper and electronic formats.

SECTION 3. The City Council further finds that the records do not affect title to real property or liens thereon, are not court records, 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 4. 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 5. The City Council hereby approves the destruction of, and authorizes the City Clerk to destroy, the City Records listed in Exhibit "A".

SECTION 6. 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 5th day of June, 2013.

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 Code of Civil Procedure: 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)
Calendar, 9-80 Schedule	2010	Current + 2 Years	CLGRMG
Calendar, Administrative Building Conference Room	2010	Current + 2 Years	CLGRMG
Calendar, Administrative Services Department	2010	Current + 2 Years	CLGRMG
Calendar, Annex Conference Room	2010	Current + 2 Years	CLGRMG
Calendar, Assistant City Manager Department	2010	Current + 2 Years	CLGRMG
Calendar, Cars	2010	Current + 2 Years	CLGRMG
Calendar, City Engineer/Public Works Department	2010	Current + 2 Years	CLGRMG
Calendars, Community Development (Community Development Department, Community Development Vehicles)	2010	Current + 2 Years	CLGRMG
Calendar, Development Services Conference Room	2010	Current + 2 Years	CLGRMG
Calendars, Finance Department (Accounts Payable, Accounts Payable Resource, Finance Department, Payroll, Payroll Resource)	2010	Current + 2 Years	CLGRMG
Calendar, High Street Arts Center Rentals and Reservations	2010	Current + 2 Years	CLGRMG
Calendar, Information Systems	11/2010 – 12/ 2010	Current + 2 Years	CLGRMG
Calendar, Large Conference Room	2010	Current + 2 Years	CLGRMG
Calendar, Master City Events	2010	Current + 2 Years	CLGRMG
Calendar, Moorpark Public Services Facility Conference Room	2010	Current + 2 Years	CLGRMG

DESCRIPTION	DATES OF RECORDS	RETENTION REQUIREMENT (YEARS)	CITATION (For longest retention period)
Calendar, Parks, Recreation and Community Services Department	2010	Current + 2 Years	CLGRMG
Calendars, Parks, Recreation and Community Services Rooms (Community Center, Apricot Room, Braun Room 1, Braun Room 2, Citrus Room, Active Adult Center Multipurpose Room, Active Adult Center Offsite Events, Active Adult Center Resource Room)	2010	Current + 2 Years	CLGRMG
Calendar, Switchboard Schedule	2010	Current + 2 Years	CLGRMG
Calendar, Theater on High Street	2010	Current + 2 Years	CLGRMG

Consent to Destruction:

Maureen Benson
Maureen Benson, City Clerk

Department Head Authorization: I certify that the records on the above list are no longer required, are eligible for destruction, and do not have to be retained based upon any record retention requirements imposed by any statute or law, or pursuant to a grant received by the City or a bond issued by the City, and are not related to or potentially relevant to any of the following in which the City may be involved: a reasonably anticipated claim or litigation, an ongoing claim or litigation, a pending employee grievance, a pending regulatory or governmental investigation, a pending subpoena, a pending Public Records Act request, a pending audit, or similar legal matter. I recommend that said records be destroyed.

Signature: Deborah S. Traffenstedt

Print Name: Deborah S. Traffenstedt Title: Deputy City Manager

City Attorney Authorization: I do hereby certify that I am the City Attorney for the City of Moorpark, I have reviewed the above list of records and based upon the representations made herein by the department head, agree that the above-mentioned records are not records required to be kept by statute or law, provided destruction thereof has been approved by the City Council. My review has been limited to the descriptions contained on the list and did not involve review of the actual records. Based on the foregoing, I consent to the destruction, of the above-mentioned records.

Signature: Kevin L. Ennis

Print Name: Kevin Ennis Title: City Attorney