

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Maureen Benson, City Clerk *mb*

**DATE:** September 10, 2015 (CC Meeting of 10/7/15)

**SUBJECT:** Consider Resolution Authorizing the Destruction of Certain City Records for Affidavits of Posting for City Committee Notices on File in the Administrative Services Department

**BACKGROUND**

Staff is requesting authorization to destroy affidavits of posting for notices of meetings for certain City committees from July 3, 1983 through 2009, on file in the Administrative Services Department.

The California Secretary of State's *Local Government Records Management Guidelines* ("CLGRMG"), dated February 2006, recommend retaining agendas (including special meeting notices and certificates of posting) for city council, board and commission meetings for the current year and previous two (2) years. The CLGRMG references Government Code Section 34090 as the state retention requirement for the records proposed for destruction in Exhibit A to the attached resolution. Section 34090 authorizes the head of a city department in the destruction of certain city records over two (2) years old (unless the records fall under specified categories in Section 34090) with the approval of the legislative body by resolution and the written consent of the City Attorney. In this case, the records do not fall into any specified categories under Section 34090, 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 otherwise required to be kept by statute.

The approved City of Moorpark Records Retention Schedule ("MRRS") recommends retaining City Council and Council Standing Committee Notices (including special meeting notices and declarations of posting) for a longer period of time, identified as five (5) years.

**DISCUSSION**

The records proposed for destruction are listed on Exhibit A to the attached resolution. All records proposed for destruction meet or exceed required retention periods under the California Government Code, the CLGRMG and the City-approved MRRS. The applicable retention periods are included within Exhibit A for reference. The records recommended for destruction, for a list of enumerated City committees, are: Affidavits of Posting for Notices and Call of a Regular or Special Meeting and Notices of Meeting Cancellation. The written consent of the Assistant City Manager and Administrative Services Department Director, City Clerk and City Attorney is included with the attached draft resolution.

**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 required retention period.

**STAFF RECOMMENDATION**

Adopt Resolution No. 2015-\_\_\_\_.

Attachment: Draft Resolution

RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS (AFFIDAVITS OF POSTING FOR CITY COMMITTEE NOTICES FROM 1983 THROUGH 2009) 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 written consent of the City Attorney after the records are no longer required to be retained, 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 California Secretary of State's *Local Government Records Management Guidelines* recommend retaining the agendas, including special meeting notices and certificates of posting, for a city's council, boards and commissions for the current year and previous two (2) years, and references Government Code Section 34090 as the retention requirement for the City records proposed for destruction in Exhibit A; and

WHEREAS, the approved City of Moorpark Records Retention Schedule recommends retaining City Council Meetings and Council Standing Committee Notices for five (5) years and the City's Records Retention Schedule does not otherwise specify a retention recommendation for other City committees; and

WHEREAS, other federal or state law does not affect the record retention period for the City records proposed for destruction in Exhibit A.

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) and are older than the applicable retention period recommended by the *California Local Government Records Management Guidelines*. Further, the City Council finds that the Affidavits of Posting for City Committee Notices are older than the retention period recommended by the City of Moorpark Records Retention Schedule, and are not currently subject to a legal hold that would otherwise prohibit their destruction.

SECTION 2. 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 3. The City Council also finds that the City Attorney, Assistant City Manager and Administrative Services Department Director, and the City Clerk have given written consent to the destruction of said records, as shown on this draft resolution.

SECTION 4. The City Council hereby authorizes the destruction of, and 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 7th day of October, 2015.

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

ATTEST:

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

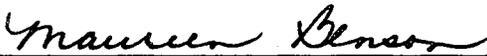
Attachment: Exhibit "A"

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

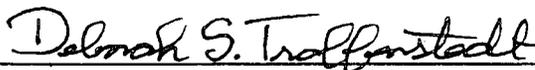
Code of Federal Regulations: (None applicable)  
California Government Code Section 34090  
California Local Government Records Management Guidelines (CLGRMG)  
City of Moorpark Records Retention Schedule (MRRS)

DESCRIPTION	DATE OF RECORDS TO BE DESTROYED	MRRS RETENTION RECOMMENDATION	CLGRMG RETENTION RECOMMENDATION	CITATION (For longest retention period)
<p><b>CITY COMMITTEE:</b></p> <p><b>Affidavits of Posting for Notices and Call of a Regular or Special Meeting and Notices of Meeting Cancellation for the following Committees:</b></p> <ul style="list-style-type: none"> <li>Active Adult Center Advisory</li> <li>Affordable Housing/Community Development</li> <li>Budget and Finance</li> <li>Citizens Downtown Advisory</li> <li>City of Moorpark and Moorpark Unified School District</li> <li>Community Development</li> <li>Community and Economic Development</li> <li>Economic Development</li> <li>Economic Development/Affordable Housing</li> <li>Economic Development/Redevelopment</li> <li>Finance, Administration, and Public Safety</li> <li>Garage Conversion</li> <li>Hardship Waiver Review</li> <li>Measure F</li> <li>Mobilehome Park Rent Stabilization Review</li> <li>Mobilehome Rent Control Review</li> <li>Moorpark Mosquito Abatement District</li> <li>Project Area</li> <li>Public Safety</li> <li>Public Works, Facilities, and Solid Waste</li> <li>Save Open Space and Agricultural Resources</li> <li>Senior Citizens Advisory</li> <li>Transportation and Public Works</li> <li>Transportation and Streets</li> </ul>	<p>July 3, 1983</p> <p>through</p> <p>December 31, 2009</p>	<p>5 Years</p>	<p>Current Year and the Previous Two (2) Years</p>	<p>MRRS</p>

Consent to Destruction:

  
\_\_\_\_\_  
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.

  
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Deborah S. Traffenstedt, Assistant City Manager  
Administrative Services Department Director

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.

  
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Kevin Ennis, City Attorney