



## Legislation Text

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**File #:** 18-652, **Version:** 1

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**SUBJECT:** Adoption of Resolution Updating the Citywide Records Management Program and Retention Schedule

### REPORT IN BRIEF

Considers an update to the Citywide Records Management and Retention documents.

### RECOMMENDATION

**City Council** - Adopt a motion adopting Resolution **2019-05**, A Resolution of the City Council of the City of Merced, California, Adopting a City-Wide Records Management Program and Records Retention Schedules, and Repealing Resolution 2010-84

### ALTERNATIVES

1. Adopt the Resolution as recommended by staff; or,
2. Provide specific direction and refer back to staff for reconsideration; or,
3. Deny

### AUTHORITY

Government Code Sections 34090, 34090.5, 34090.7

### CITY COUNCIL PRIORITIES

As it applies to government transparency.

### DISCUSSION

A Records Management Program is a guide to the functioning of the records management system. It protects and preserves the City's records. The program contains basic guidelines to be used in the retention, maintenance, and disposition of City records. Close adherence to these procedures will enable the city to achieve the three key benefits of a successful records management program. These benefits include:

1. The orderly retirement or destruction of documents no longer needed.
2. A reduction in file equipment, thus increasing the amount of space available for other purposes and decreased expense in the purchase of future filing equipment
3. More efficient retrieval of information from active files within the departments.

In 1968, the legislature passed the California Public Records Act, Government Code Section 6250 *et seq.*, which is modeled after the Freedom of Information Act and details what government information

is, and is not, available to the public. In general, all records are open to the public except certain exemption categories listed in the California Public Records Act. The California Public Records Act applies to all records, in any form, maintained by state and local public agencies.

A records retention schedule is a public agency's legal authority to receive, create, retain, and dispose of official public records. In the event of litigation, the Court will accept records management programs and corresponding retention schedules as establishing a public agency's "normal course of doing business" as it pertains to record keeping.

A department cannot unilaterally destroy records without undergoing a formal process, pursuant to Government Code Section 34090, and any destruction of records must be approved by the City Attorney and the City Council by a resolution, except for certain circumstances under the Government Code (e.g., duplicate/reproduced records).

With respect to the proposed updated Citywide Records Retention Schedule, the records listed have been categorized by department. The period for retention is noted in the index.

Information contained in the "Vital, Historical, and Confidential" (V.H.C.) column is a notation to be used by staff as they maintain specific records. Depending upon the V.H.C. code, staff may decide to maintain a document in a certain manner, or to set aside specific documents for special handling or filing. The applicable statutory citation or reference is noted in the column titled "Comments." The retention periods reflect minimum periods. The Citywide Records Retention Schedule will be updated periodically to reflect various document types and the appropriate V.H.C. codes, given the practicalities of maintaining certain records.

Once the updated Citywide Records Management Program is adopted, City staff will be given an opportunity to be trained on records destruction to ensure uniform compliance. Given that the storage of obsolete records is costly, time-consuming, and impinges upon the City's records storage space, it serves the public's best interest to destroy records on a regular basis once records have no legal, administrative, fiscal, or historical value.

## **IMPACT ON CITY RESOURCES**

As provided for in the 2018/2019 Budget

## **ATTACHMENTS**

1. Resolution
2. Records Management Program and Retention Schedule