



City Council Agenda Item

City Council Meeting Date: January 7, 2020

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Malawy, City Attorney
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SUBJECT: Revision to Record Retention/Destruction Policy to Create Procedures for Indexing and Verification of Electronically-Stored City Records; Adoption of Resolution No. 6297(20)

Recommendation:

Staff recommends the City Council:

- 1) Adopt Resolution No. 6297(20), establishing a policy for indexing and verification of electronically-stored City records; or
- 2) Provide alternate direction.

Background:

In 2016, the City Council adopted a record retention policy allowing for destruction of City records after the period of retention required by state law (Resolution No. 6034(16)). If no copy will be kept, destruction of city records requires approval of the City Attorney and City Council (Government Code 34090).

As an alternative, state law allows City records to be destroyed without City Attorney or City Council approval, and prior to the required retention period, if an electronic copy of the records is made prior to destruction, and the City keeps the electronic copy (Government Code 34090.5).

At the October 15, 2019 City Council meeting, the City Council, on motion by Council Member Cordova, requested staff to prepare a policy stating that if the electronic copying method above is used, then (1) the electronically-copied records must be indexed, and (2) a department head must certify in writing and by signature that the index is accurate and the records have been properly electronically copied in accordance with state law.

Discussion:

The attached resolution implements the policy change requested by the City Council by amending and restating Resolution No. 6034(16). The added language is in Section 3 of the resolution. All other provisions of the resolution and the Exhibits attached to the resolution are identical to those included in Resolution No. 6034(16).

Fiscal Impact:

Adoption of this policy will result in staff time spent for the creation of the indexes for all City records electronically-stored in the future, and for verification by the Department Director of the accuracy of each index.

Conclusion:

The proposed revisions in the attached resolution comply with state law and would require City staff to index and verify any City records stored electronically without a physical paper copy.

Respectfully submitted,



Jeff Malawy
City Attorney

Attachment: Resolution No. 6297(20)