

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, ADOPTING AN UPDATED RECORDS RETENTION SCHEDULE

WHEREAS, the storage of obsolete records is costly, time-consuming, and impinges upon the City of Desert Hot Springs' ("City") records storage space; and

WHEREAS, California Government Code Section 34090 provides for a procedure whereby, with the approval of the City Council 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 or her charge, without making a copy thereof, after the same is no longer required; and

WHEREAS, California 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; and (e) the minutes, ordinances, or resolutions of the legislative body or of a City board or commission; and

WHEREAS, on June 6, 2006, the City Council adopted Resolution No. 2006-59 adopting a Records Retention Schedule, and since that time new laws and regulations have been enacted requiring updates to be made to the City's records retention schedule in order for the City to be compliant with existing state law; and

WHEREAS, on July 7, 2015, the City Council adopted Resolution No. 2015-033 which updated the Records Retention Schedule relating to the retention of electronic mail (e-mails). E-mails which fall within any record category, that is kept in the ordinary course of business, must be retained and/or maintained for the applicable type of record for a period which is generally two years for most records, unless otherwise provided by state law; and

WHEREAS, the City Council desires to adopt an updated records retention schedule that requires the retention of certain categories of records that are kept in the ordinary course of business by various departments and divisions of the City for certain periods of time before they may be destroyed; and

WHEREAS, the City Council desires to approve via this Resolution, as required by California Government Code Section 34090, the destruction of City records in compliance with the applicable records retention schedule.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECORDS RETENTION SCHEDULE

That the Records Retention Schedule, attached hereto as Exhibit "A" identify the official public records that City staff produces or maintains in the "normal course of doing business" for all City departments/divisions/offices and constitutes a policy for the efficient maintenance and regular destruction of public records which have outlived their legal, administrative, historical, or fiscal value, according to the established retention period.

Section 2. PROCEDURES FOR THE DESTRUCTION OF RECORDS

That the records of the City of Desert Hot Springs, as set forth in the Records Retention Schedule Exhibit "A", attached hereto and incorporated herein by this reference, are hereby authorized to be destroyed as provided by Section 34090 et seq. of the Government Code of the State of California and in accordance with the provision of said schedule upon the request of the Department Head and with the consent in writing of the City Manager, City Clerk, and City Attorney, without further action by the City Council. Should there be records that are not mentioned in Exhibit A, those records shall be destroyed as provided in the then-current Local Government Records Management Guidelines, or equivalent, as set forth by the Secretary of State.

Section 3. REPEAL OF CONFLICTING RESOLUTIONS

That all the provisions of any existing resolution as heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 4. PASSAGE AND ADOPTION

That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City of Desert Hot Springs; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of City of Desert Hot Springs, in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 17th day of October, 2017 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, CMC, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

EXHIBIT "A"

RECORDS RETENTION SCHEDULE