



## POLICY AND PROCEDURE

<b>Subject:</b> Records Management Program	<b>Index:</b> Administration & Policy Management <b>Number:</b> 104-1
<b>Effective Date:</b> September 3, 2019	<b>Prepared By:</b> City Clerk
<b>Supersedes:</b> September 18, 2007	<b>Approved By:</b> 

### 1.0 **PURPOSE:**

To establish a Records Management Program to control the orderly creation, utilization, maintenance, retention, preservation and disposition of City records, based on State Statutes governing public records.

### 2.0 **ORGANIZATIONS AFFECTED:**

All departments

### 3.0 **REFERENCES:**

California Government Code; Federal Codes; Best Practices, as established by the Association of Records Managers and Administrators (ARMA) and the Association of Records Managers and Administrators (AIIM).

### 4.0 **POLICY:**

A Records Management Program, under the supervision and administration of the City Clerk, is hereby established for the orderly maintenance and storage of City records which are retained for administrative, operational, legal, fiscal, historical, or research purposes. The objectives of the Records Management Program are:

- 4.1 Preservation of records with long-term or permanent value.
- 4.2 Protection of records vital to the City in the event of a disaster.
- 4.3 Efficient information retrieval through a uniform classification and computerized filing system.
- 4.4 To define the process for identifying and converting records into the Electronic Document Management System (EDMS).

- 4.5 Transfer of inactive records from high-cost office space to low-cost storage or converting them to the Electronic Document Management System (EDMS), thus reducing filing equipment and space.
- 4.6 Orderly destruction of records and working papers no longer required by statute to be retained, have reached their maximum retention period, and which are no longer needed for administrative, operational, legal, fiscal, historical, or research purposes, or are stored electronically.

5.0 ***DEFINITIONS:***

- 5.1 Record: Any writing containing information relating to the conduct of the City's business prepared, owned, used or retained by the City, regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.
- 5.2 Permanent Records: Resolutions, ordinances, and minutes of all City Council, commissions and committees, and any other records classified by the California Government Code as permanent.
- 5.3 Vital Records: Records containing information essential for the City to resume operation after a disaster. Records containing information regarding claims to present or future income, records necessary to protect the City against fraud or overpayment, and records furnishing data on current assets, equipment, securities and real estate. (Examples of this type of record may include current financial statements, ledgers, property deeds, leases, contracts, permits, licenses, original plans and specifications for City streets and facilities.
- 5.4 Inactive Records: Records more than two years old, which are accessed infrequently, and are of no further administrative, operational, legal, fiscal, or historical value in carrying out City business. Inactive records may include records exempt from public disclosure.
- 5.5 Records Exempt From Public Disclosure: Records and files of the City Attorney, and all attorney-client privileged information. A record shall not be designated as attorney-client privileged or attorney work product based solely upon the fact that the City Attorney was copied (*e.g.*, "cc'd") on such record. The City Attorney shall determine whether a record is attorney-client privileged or attorney work product based upon applicable statute or case law including, without limitation, Evidence Code sections 952 and 954 and Code of Civil Procedure section 2018.030, respectively. Other records exempt from public disclosure are records that meet the definitions set forth in GC 6254 and 6255 and as set forth in applicable case law.

- 5.6 Records Retention: The process of identifying the length of time the records are to be retained, and any statutory requirements applicable to that class of records.
- 5.7 Records Retention Schedule: Document describing the records maintained by the City, and specifying, in accordance with statutory requirements, the period of time records must be retained before they may be destroyed.
- 5.8 Departmental Records Coordinators: Employees designated by departments to maintain and control the disposition of records in the respective departments.
- 5.9 Records Management Staff: The City Clerk, Records Management Coordinator, and City Clerk staff.
- 5.10 Records Management Committee: An administrative committee consisting of designated Records Coordinators from each City department and Records Management Staff, created for the purpose of implementing and administering the Records Management Program.
- 5.11 Electronic Document Management System (EDMS): An electronic system designed to maintain/archive the City's permanent and vital records, and other records determined by the individual departments to be necessary for the ongoing, efficient conduct of business.
- 5.12 Information Technology System: Any process or system that employs a mechanical, photo-optical, magnetic, electronic or other technological device for producing or reproducing records.

6.0 ***PROCEDURE:***

- 6.1 Records Management Committee - A Records Management Committee, consisting of the designated Records Coordinators from each City department, is hereby created for the purpose of implementing and administering the City's Records Management Program, with assistance and direction from the Records Management Staff. Each department shall designate a qualified individual or individuals with the authority to maintain and determine the disposition of the records contained in that department, to manage the departmental records, and to serve on the Records Management Committee.
- 6.2 Records Retention Schedule - The Records Retention Schedule is a document that establishes the retention period for the City's records, pursuant to the California Government Code. Upon final approval of the City Attorney and the City Council, the Records Retention Schedule serves as the City's guideline for the orderly maintenance, storage, preservation and/or destruction of public records. The Records Management Staff is responsible for maintaining an up-to-date Records Retention Schedule. Administrative records not currently identified in the Records Retention Schedule may be added to the Records Retention Schedule, as necessary, upon approval by the City Attorney.

- 6.3 Inactive Records - Records more than two years old, which are accessed infrequently, and are of no further administrative, legal, fiscal or historical value in carrying out City business, are to be transferred from the office areas, for more cost-efficient storage, or are to be converted into the Electronic Document Management System (EDMS).
- 6.4 Records Destruction Process - Inactive records maintained beyond the maximum retention period, pursuant to the Records Retention Schedule, are to be destroyed in accordance with the following procedures:
- 6.4.1 No less than annually, Departmental Records Coordinators, using the Records Retention Schedule as a guideline, shall evaluate the inactive records to determine if they meet, or have exceeded, the maximum retention period.
- 6.4.2 Records to be destroyed shall be itemized on a Records Destruction Request Form, indicating the retention/destruction date, signed by the Department Head, and submitted to the Records Management Coordinator for inclusion in a resolution to be adopted by the City Council for destruction of those records.
- 6.4.3 Following approval of the destruction requests by the City Clerk and City Attorney, the City Clerk shall prepare the resolution and agenda report for submittal to the City Council for adoption.
- 6.4.4 Upon adoption of the resolution of destruction by the City Council, the Records Management Coordinator shall arrange for the proper destruction of the records by an accredited destruction company, and shall obtain a Certificate of Destruction from that firm to be maintained in the City's records.
- 6.4.5 Hard copies of records which have been converted into the EDMS and have been reviewed, through the Quality Control process, to ensure accurate conversion into the EDMS, may be destroyed without further approval by the City Attorney or City Council
- 6.5 Legal Billing – All legal bills or invoices issued by the City Attorney must be retained for five (5) years from the conclusion of the matter, and this is the case regardless of whether there has been a request for disclosure.

In any case of redaction of legal bills or invoices by the City, the only material subject to redaction is that which contains attorney-client privileged or attorney work product information, based upon applicable statute or case law including, without limitation, Evidence Code sections 952 and 954 and Code of Civil Procedure section 2018.030.

If a requester has asked for legal bills or invoices related to a litigation matter and the disclosure has been denied (in full or in part) because the records are exempt from public disclosure, the City shall be required to disclose to the requester the

legal basis or bases for the exemption. Once the litigation matter has concluded, the legal bills or invoices shall be provided to the requestor, redacted to protect attorney-client privileged or attorney work product information, as set forth above, however, the following information shall not be redacted: the identity of the biller, the date of the entry, the rate charged, and one fee total.

Following the disclosure of the subject records (or portions thereof) to the requestor, the subject legal bills and invoices may be destroyed pursuant to the City's regular records destruction process and following conclusion of the required retention period, as set forth in this paragraph 6.5.

- 6.6 Permanent Records - The original of all records classified as Permanent Records pursuant to the Records Retention Schedule, are to be converted to the EDMS. Hard copies of resolutions, ordinances and minutes are to be retained permanently.

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