

CONDITIONAL SETTLEMENT AGREEMENT AND CONTRACT

This Settlement Agreement (the "Agreement") is made and entered into by and among Brad Malamud, an individual, Chanel Fetty, an individual, Anthony Rubolino, an individual (collectively, "Plaintiffs"), on the one hand, and the City of San Clemente, a municipal corporation; and Steven Swartz, an individual (collectively, the "City"), on the other hand (all of the foregoing shall be referred to collectively as the "Parties" or individually as a "Party"). This Agreement memorializes the settlement and compromise reached by the Parties and is to be effective as of the date of execution of all Parties (the "Effective Date").

RECITALS

WHEREAS, Plaintiffs are residents of the City of San Clemente who filed a lawsuit against City on May 7, 2019, as memorialized in *Malamud et al. v. City of San Clemente et al.*, which bears Case No. 8:19-cv-00855 (the "Lawsuit");

WHEREAS, in the Lawsuit, Plaintiffs challenged the City's policies and procedures related to, among other things, free speech and due process rights under the First and Fourteenth Amendments to the U.S. Constitution, the Ralph M. Brown Act (Gov. Code §§ 54950 *et seq.*) and the Public Records Act (Gov. Code §§ 6250 *et seq.*);

WHEREAS, the Parties agree to resolve the issues relating to the Lawsuit in the manner set forth below;

WHEREAS, the Parties acknowledge and agree that Plaintiffs will dismiss with prejudice the Lawsuit on the terms set forth below; and

NOW, THEREFORE, in consideration of the mutual covenants and releases set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

TERMS

1. **Recitals.** The Recitals set forth above are an integral part of this Agreement, and shall be used in any interpretation of this Agreement.

2. **Settlement Terms.** Without admitting any liability, and in consideration for the releases and covenants contained in this Agreement, the Parties hereby agree to the following settlement terms:

a. Duty to Modify Policies. City shall process amendments to the following policies: "Policy and Procedure No. 104-1," "Policy and Procedure No. 1201-11," and the City's Record Retention Schedule, which are substantially in the form attached hereto as Exhibit "A" ("Amended Policies"). City's adoption of the Amended Policies is a condition precedent to

Plaintiffs' obligation to dismiss the Lawsuit, as provided in Section 2(b), below. The Parties understand and agree that (1) nothing in this Agreement limits the legislative discretion of the City Council in any way; (2) that the City makes no promise or representation that the Amended Policies will be approved by the City Council; (3) that the City reserves all rights to reject or modify all or any portion of the Amended Policies; and (4) that the City shall not be in breach of this Agreement solely due to its failure or inability to adopt the Amended Policies substantially in the form attached hereto.

b. Dismissal of Lawsuit. Subject to and following City's adoption of the Amended Policies, Plaintiffs shall promptly prepare and file with the Court documents to accomplish dismissal with prejudice of the Lawsuit, and the City shall cooperate with Plaintiffs as may be necessary to accomplish that purpose.

c. Reimbursement of Attorney's Fees and Costs. Prior to, or promptly following, filing of documents to dismiss the Lawsuit, the Plaintiff's counsel shall submit to counsel for City its total attorney's fees and reimbursable costs in connection with the Lawsuit, with reasonable supporting documentation. Promptly thereafter, City will reimburse Plaintiffs for such actual attorney's fees and costs of suit incurred, not to exceed Forty Eight Thousand Four Hundred Thirty Five Dollars and Fifty Cents (\$48,435.50). In connection therewith, Plaintiffs shall not file a Motion for Attorney's Fees or Memorandum of Costs or otherwise seek payment or reimbursement from City or any of its affiliates of any fees, costs or expenses incurred or suffered by Plaintiffs in connection with the Lawsuit.

d. Ratification. The Parties acknowledge that this Agreement and the settlement described herein is contingent upon the approval of the City Council. Accordingly, the Parties acknowledge and agree that if the City Council does not approve this Settlement Agreement as written, the terms contained herein are inoperative and unenforceable.

3. **Releases.**

a. Releases by City. Except as to obligations created or specifically exempted herein, and effective as of the Effective Date, together with each Party named herein and each official member of its City Council (collectively, "City Releasers"), do hereby release and absolutely forever discharge Plaintiffs, and their respective predecessors, successors, subsidiaries, parents, assigns, agents, affiliates, representatives, officers, directors, shareholders, trustees, partners, attorneys, and employees (collectively, "Plaintiffs Releasees"), of and from any and all claims, demands, debts, liabilities, obligations, accounts, and causes of action of every kind and nature whatsoever, whether now known or unknown, suspected or unsuspected, described in or arising from the Lawsuit, which any or all of the City Releasers have ever had, now have or may in the future have against Plaintiffs Releasees or any of them, so that the City Releasers shall after the Effective Date hereof have no claim of any kind or nature whatsoever on or against the Plaintiffs Releasees, or any of them, directly or indirectly, for any supposed liability or thing or act undertaken, done, or omitted to be done, at any time prior to the Effective Date, described in or arising from the Lawsuit.

b. *Releases by Plaintiffs.* Except as to obligations created or specifically exempted herein, and effective as of the Effective Date, Plaintiffs and their respective predecessors, successors, subsidiaries, parents, assigns, agents, affiliates, representatives, officers, directors, shareholders, trustees, partners, attorneys, and employees (“Plaintiffs Releasers”) do hereby release and absolutely forever discharge City, together with any of its respective predecessors, successors, subsidiaries, parents, assigns, agents, affiliates, representatives, past and current Council members, officers, directors, shareholders, trustees, partners, attorneys, and employees (collectively, the “City Releasees”), of and from any and all claims, demands, debts, liabilities, obligations, accounts, and causes of action of every kind and nature whatsoever, whether now known or unknown, suspected or unsuspected, described in or arising from the Lawsuit, which any or all of the Plaintiffs Releasers have ever had, now have or may in the future have against the City Releasees or any of them, so that the Plaintiffs Releasers shall after the Effective Date hereof have no claim of any kind or nature whatsoever on or against the City Releasees, or any of them, directly or indirectly, on any contract or account, express or implied in fact or implied by law, or any supposed liability or thing or act undertaken, done, or omitted to be done, at any time prior to the Effective Date, described in or arising from the Lawsuit.

c. *Section 1542 Acknowledgement.* Each Party to this Agreement acknowledges and affirms that it is familiar with Section 1542 of the California Civil Code, which provides that:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

Each Party knowingly and voluntarily waives the provisions of Section 1542 of the California Civil Code, as against each Party released hereby with regard to claims released hereinabove, and acknowledges and agrees that this waiver is an essential and material term of the settlement or compromise that led to this Agreement, and that without such waiver, the settlement or compromise reflected in this Agreement would not have been entered into.

4. **No Admission of Liability.** The Parties acknowledge and agree that the fact that the claims are being settled, as well as any matter referenced or contained herein, shall not constitute an admission of liability, wrongdoing, responsibility, or lack of merit in a claim or defense in this or any other proceeding, any such admission being specifically denied.

5. **Enforcement.** Should any Party fail to perform their obligations under this Agreement, the non-breaching Party shall be entitled to reasonable attorneys’ fees incurred to enforce any right, or collect any sum due, under this Agreement.

6. **Miscellaneous.**

a. Attorneys' Fees and Costs. Except as expressly provided otherwise in this Agreement, each of the Parties agrees to bear its own attorneys' fees and other costs with regard to the matters referenced herein and/or arising out of the preparation or enforcement of this Agreement.

b. Successors; Assignment. This Agreement shall inure to the benefit of and be binding on each Party's predecessors, heirs, beneficiaries, administrators, representatives, trustees, successor trustees, officers, directors, members, partners, shareholders, principals, employees, agents, affiliated entities, and subsidiaries. This Agreement may not be assigned by Plaintiffs without the prior written consent of the City.

c. Integration. This Agreement constitutes the entire agreement between the Parties concerning all matters and supersedes any prior discussions, agreements or understandings; there are no promises, representations or agreements between the Parties hereto other than as set forth herein/therein.

d. Governing Law. This Agreement and all claims arising hereunder or in connection herewith shall be governed by the laws of the State of California. If any lawsuit arises between the Parties hereafter regarding the enforcement or interpretation of this Agreement, the Parties agree that such lawsuit shall be filed in Orange County, California. The Parties agree to jurisdiction and venue in any court sitting in Orange County, California.

e. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original. Copies of signatures transmitted by facsimile from counsel of the signatory shall be deemed an original counterpart hereunder at all times until receipt of the original signature.

f. Waivers Must Be In Writing. The provisions of this Agreement, including this paragraph, may be modified or waived only in writing signed by the Party affected by the modification or waiver. No waiver with respect to any portion of this Agreement shall apply to any other portion of the Agreement, and a waiver on one occasion shall not be deemed to be a waiver of the same or any other breach on a future occasion. No course of dealing by any Party, and no failure, omission, delay or forbearance by any Party in exercising such Party's rights or remedies shall be deemed a waiver of any such rights or remedies or a modification of this Agreement.

g. Notices. Whenever notice is required to be given by any Party, such notice may be given by facsimile, certified mail, or overnight delivery. When notice is given by facsimile, notice shall be deemed effective upon receipt of verification that the notice was successfully transmitted. When notice is given by certified mail or overnight delivery, notice shall be deemed effective upon receipt. Notices shall be sent to the Parties as follows, or to any other address designated in writing hereafter by a Party:

If to Plaintiffs, notice shall be sent to the following address:

Krista L. Baughman
Dhillon Law Group Inc.
177 Post Street, Ste. 700
San Francisco, CA 94108
Email: kbaughman@DhillonLaw.com

If to City, notice shall be sent to the following address:

The City of San Clemente
San Clemente City Hall
910 Calle Negocio
San Clemente, CA, 92673
Att'n: Mayor of the City of San Clemente, and
James Makshanoff, City Manager

With copy by email to:

Scott C. Smith
Best Best & Krieger, LLP
18101 Von Karman Ave.
Suite 1000
Irvine, CA 92612
Email: scott.smith@bbklaw.com

h. No Construction Against Any Party. This Agreement shall be deemed jointly drafted and written by all Parties to it and shall not be construed or interpreted against any particular Party, regardless which Party or counsel originated or drafted any portion of it.

i. Agreement Entered Into With Independent Judgment. Each of the Parties declares and represents that:

(1) it and has reviewed, and had an opportunity for its legal counsel, if any, to review, this Agreement in its entirety;

(2) in making this Agreement, it has relied wholly upon its own judgment, belief, knowledge, and investigation and independent legal advice from its counsel with respect to the nature and extent of its claims, rights, and potential liabilities and with respect to the effect of this Agreement;

(3) it has not been influenced to any extent whatsoever in making this Agreement by any representations or statements by any other Party or by any person or persons representing or acting for any other Party.

j. *Execution of Other Documents.* All Parties shall cooperate fully with each other in the execution of any and all other documents and in the completion of any additional acts or documents that may be necessary or appropriate to give full force and effect to the terms of this agreement.

k. *Savings Clause.* If any term or provision of this Agreement or the application thereof to any person, entity, or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons, entities, or circumstances other than those as to which is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

l. *Warranty of Authority.* Each signatory to this Agreement expressly warrants to the other Parties that he, she or it has the authority to execute this Agreement on behalf of the Party or Parties to be bound by his, her or its signature, and on behalf of each and every principal or other owner of a legal, equitable or beneficial interest in such Party or Parties. Each signatory agrees that he, she or it will indemnify the other Parties to this Agreement from any loss or damage resulting from a breach of this warranty of authority.

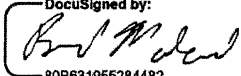
m. *Execution.* This Agreement may be executed in multiple counterpart copies, or by facsimile or .pdf signature, each of which shall be deemed an original.

n. *Individual Parties—Obligations Limited to Official Duties.* The releases and other agreements set forth herein shall be effective and binding as to the individual Parties as to both Plaintiffs and Defendants. In accordance therewith, such releases and agreements shall be deemed operable, and this Agreement complete and enforceable, upon execution, and requisite Council approvals by City, and the signature on this Agreement shall be deemed sufficient to effectuate the foregoing without the necessity of obtaining execution by Defendant Swartz, who is deceased at the time of this Agreement. Notwithstanding any provision contained in this Agreement, Defendant Swartz shall not have any personal liability or responsibility for any matter set forth in this Agreement, it being understood and agreed that the obligations of Defendant Swartz shall be limited to performance in his official capacity as an officer or elected official of the City of the obligations of the City under this Agreement.

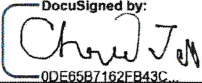
IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date set forth below, provided, however, that the Effective Date of this Agreement shall be deemed to be as defined above.

BRAD MALAMUD, an individual

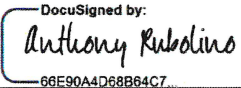
Dated: 9/26/2019

By:  80B631955284482

CHANEL FETTY, an individual

Dated: 10/1/2019 By: 

ANTHONY RUBOLINO, an individual

Dated: 10/1/2019 By: 

CITY OF SAN CLEMENTE, a municipal corporation

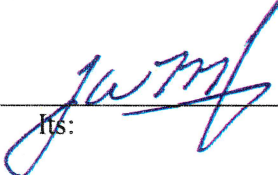
Dated: 10/2/2019 By: 
Its: _____

Exhibit "A"
Amended Policies



POLICY AND PROCEDURE

Subject: City Council Meeting and Operating Procedures (Parliamentary Procedures, Due Process, Mayor/Mayor Pro Tempore, Council Correspondence, Meetings, Agendas, and Minutes)	Index: City Council <hr style="width: 50%; margin-left: 0;"/> Number: 1201-11
Effective Date: September 3, 2019	Prepared By: City Clerk
Supersedes: Policy and Procedures 1201-1 (Mayor and Mayor Pro Tempore); 1201-2 (Meetings of the City Council); 1201-3 (Order of Business and Preparation of Minutes); 1201-4 (Council Correspondence and Agenda); 1201-5 (Rules of Debate, Decorum, Voting Requirements & Procedures); and 1202-2 (Management/Streamlining of City Council Meetings); and <u>1201-11 (City Council Meeting and Operating Procedures)</u>	Approved By:

1.0 PURPOSE:

To establish policies for City Council meetings and operations, including parliamentary procedures, due process, election/roles of Mayor and Mayor Pro Tem, agendas, and the preparation of minutes.

2.0 ORGANIZATIONS AFFECTED:

City Council
 City Commissions and Committees*

**Note: Except as otherwise noted throughout this Policy, this Policy shall also apply to the City's Commissions and Committees. In applying this Policy to City Commissions and Committees, the term "Council" shall be interpreted to mean the name of the City Commission or Committee, the term "Mayor" shall be interpreted to mean "Chairperson", the term "Mayor Pro Tempore shall be interpreted to mean*

"Vice Chair", the term "Manager" shall be interpreted to mean "Director", and the term "City Clerk" shall be interpreted to mean the staff member responsible for providing support to the Commission/Committee.

3.0 REFERENCES:

The Ralph M. Brown Act, GC Section 54950, et seq.

4.0 POLICY:

4.1 Parliamentary Procedures and Due Process

4.1.1 The proceedings of the City Council shall be guided under the latest revised edition of "Rosenberg's Rules of Order," on all matters pertaining to parliamentary procedure, but no ordinance, resolution, proceeding or other action of the City Council shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow such rules. In the event of a discrepancy between Rosenberg's Rules of Order and this Policy and Procedure, this Policy and Procedure shall prevail.

4.1.2 The Mayor, with assistance from the City Attorney, is designated as the parliamentarian for City Council meetings. The City Clerk shall assist in the City Attorney's absence. Any member of the City Council or the public (pursuant to process below) may raise a point of order and/or seek the City Attorney's input on parliamentary issues, which shall then be considered by the Mayor. The City Council may override any parliamentary decision of the Mayor with a majority vote. The Mayor may interpret and apply but not amend these policies.

Points of order may be raised at any time by City Councilmembers.

Points of order may be raised by members of the public in connection with their opportunity to speak on agenda items pursuant to Section 4.4.6. The Mayor (or chair) shall rule on the point of order and/or request clarification of the law from the City Attorney and then decide and rule. If the point of order is denied by the Mayor or chair, the person making the point of order may seek a vote of the entire Council or body, which decision shall be final.

Members of the public wishing to raise points of order after their opportunity to speak may submit those points of order in writing prior to the adjournment of the meeting. Items so submitted shall be presented for consideration by the City Council in connection with its approval of the minutes of that meeting pursuant to Section 4.6 hereof. At that time the Mayor and City Council will review and

decide the point of order raised and determine whether it warrants scheduling and noticing of that item for reconsideration.

4.1.3 It shall be understood that a member of the City Council or prospective member of the City Council may, in the course of seeking elective office, be asked to state positions on general issues that may eventually come before the Council at a later date. This policy shall in no way impair that Councilmember's right to consider the issue and vote as he/she determines is appropriate.

4.1.4 Ex parte communications are communications received outside of Council meetings or hearings. When the Council acts in a legislative role (for example, to adopt general plan or zoning amendments or to adopt ordinances), Councilmembers are permitted to draw upon nearly all observations and considerations they receive inside and outside the Council meeting. On the other hand, when acting in a quasi-adjudicatory role (hearing permits, revocations, and similar non-legislative decisions), the Council, as fact-finder, should limit its consideration of facts to those presented at the hearing, where all sides have the opportunity to hear and rebut testimony given by all participants. To this end, Councilmembers should avoid receiving or gathering information that might otherwise influence its consideration of the written record and any other testimony it hears through the formal hearing process, or at least disclose their receipt of that information.

4.2 **Election of Mayor and Mayor Pro Tempore and Roles of Those Offices**

4.2.1 At the first Regular City Council meeting in December of each year, the Council shall elect from its members a Mayor and Mayor Pro Tempore. The new Mayor and Mayor Pro Tempore shall assume office immediately upon election. *(Note: Commissions and Committees shall elect from its members a Chairperson and Vice Chair at its first regular meeting occurring after Council completes its annual appointment process for Commission and Committee members and those members assume office.)*

4.2.2 The Mayor and Mayor Pro Tempore shall serve a one-year term at the pleasure of the Council majority.

4.2.3 The Mayor shall act as the primary spokesperson and official representative of the City Council, unless such responsibility is delegated by the Mayor, or otherwise assigned by a majority of the City Council.

- 4.2.4 The Mayor shall preside at all regular, adjourned regular, special and emergency meetings of the City Council, including joint meetings with commissions and committees and closed sessions.
- 4.2.5 The Mayor shall execute all official City documents, warrants and correspondence approved by the City Council.
- 4.2.6 The Mayor is authorized to issue proclamations, commendations and certificates of recognition, which may be presented at Council meetings under Special Presentations. The total time allotted to Special Presentations should, if possible, be limited to 15 minutes per meeting. *(This section does not apply to Commissions or Committees.)*
- 4.2.7 Nothing in this section is intended to suggest that the office of Mayor possesses formal powers or authority in excess of other members of the City Council; rather, the person serving as Mayor is to be recognized as the chairperson of the Council.
- 4.2.8 The Mayor Pro Tempore shall serve and perform the functions of the Mayor in the absence of the Mayor. If both the Mayor and Mayor Pro Tempore are absent from a City Council meeting, the Council members present shall select a Councilmember from those members present to perform the functions of Mayor at that particular meeting.

4.3 **City Council Correspondence**

- 4.3.1 The City Manager, or his/her designee, is authorized to open and examine all mail or other written communications addressed to the City Council as a body, but shall not open correspondence addressed to an individual Councilmember without their express authorization.
- 4.3.2 The City Manager may take action, or direct that action be taken, on issues or requests that do not require Council action. The City Manager shall inform Council when actions are taken on matters of significance or that are likely to be of interest to the City Council.

4.4 **City Council Meetings**

- 4.4.1 The date, time and location of Regular Meetings of the City Council shall be established by resolution. At 11:00 p.m. at each meeting, the City Council will determine which of the remaining agenda items can be considered and acted upon at that meeting and will continue all other agenda items to a future meeting.

- 4.4.2 At all meetings of the City Council, a majority of the Council members shall constitute a quorum for the transaction of business. In the event less than a quorum of the City Council is present, the City Clerk shall adjourn the meeting (which may include adjourning to an Adjourned Regular Meeting), post a Notice of Adjournment, and prepare minutes that reflect that the meeting was adjourned due to lack of a quorum.
- 4.4.3 The City Clerk, or Mayor, shall announce an agenda item before discussion on that item commences.
- 4.4.4 Each person desiring to address the Council is requested to submit to the City Clerk a speaker form. After being called upon by the Mayor, the speaker may proceed to the podium. The speaker may state for the record his/her name and city of residence, but shall not be required to do so.

Members of the public may speak for three (3) minutes and project applicants and appellants (including members of an applicant's or appellant's project presentation team, when applicable) may speak for a combined total of ten (10) minutes on agenda items. At Council's request where Council is acting in a fact-finding or hearing capacity, the Mayor may grant additional time (unless overruled by a majority of Councilmembers present) to speakers on agenda items.

Speakers on non-agenda items may speak for three (3) minutes during the oral communications - public forum portion of the meeting.

The time that a speaker devotes to responding to Council inquiries shall not be deducted from their allotted speaker time.

- 4.4.5 Members of the public may not assign their speaker time to another person.
- 4.4.6 The purpose of addressing the City Council is to communicate formally with the City Council regarding matters that relate to City Council business or citizen concerns within the subject matter jurisdiction of the City Council. Persons addressing the City Council on an agenda item shall confine their remarks to the matter under consideration by the City Council. Speakers may be asked to clarify how their comments relate to the matter at hand. Speakers may address the entire Council or individual Councilmembers, and, if allowed by the Mayor or chair, City staff.
- 4.4.7 Once recognized, members of the public shall not be interrupted when speaking unless to be called to order by the Mayor to: (i)

curtail extraordinary repetition, (ii) curtail speech that is irrelevant to the City Council's subject matter jurisdiction, (iii) explain how his or her speech relates to the City's subject matter jurisdiction, or (iv) address some other point of order. If a speaker is interrupted to be called to order, the speaker shall cease speaking until the question of order is determined, and if in order, he or she shall be permitted to proceed, with additional time allotted for the time taken to determine the question of order.

4.4.8 In order to avoid repetitious presentations, whenever any group of persons wishes to address the Council with the same message, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to represent the group's position. Speakers shall not, however, be required to abide by such a request.

4.4.9 To expedite Council meetings, Councilmembers are encouraged to contact Staff prior to Council meetings to obtain answers to questions and to obtain clarifications as needed.

4.4.10 Staff shall compose Administrative Reports in a clear and concise manner. Staff shall strive to write reports in a manner that can be easily understood by persons that do not have training in the report's subject matter.

4.4.11 Staff presentations at Council meetings are to be condensed to the briefest extent possible, while still providing a basic overview of the issue under consideration. Staff is encouraged to refrain from reiterating issues previously addressed in the Administrative Report. However, Staff engaged in such communications shall not use these opportunities to communicate with the members of the City Council the comments or position of any other member of the City Council on City Council business.

4.4.12 Members of the public shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the City Council meeting. Any person who so disrupts the meeting is subject to removal from the meeting.

Prior to removing anyone from a City meeting, the Mayor (or other designated chair) shall: (i) notify the person that he/she is in violation of this Section 4.4.12, (ii) specify the specific behavior giving rise to that conclusion; (iii) explain all grounds for the belief that the person's conduct is in violation of law/policy and why such conduct subjects the person to expulsion; and (iv) notify the person that if the conduct continues he/she will be removed. The person receiving such notification shall be asked if he/she understands the conclusion but shall not be required to accept it.

Members of the public receiving notice of disruption pursuant to this section shall have the right, prior to being removed from the meeting, to ask the Mayor to consult with the City Attorney on the grounds for expulsion, and to submit a point of order on the grounds for expulsion. The City Council may override this decision pursuant to Section 4.1.2. The City Attorney shall have a duty to inform the Mayor (or other designated chair) and the public if the City Attorney believes that the Mayor's action is in violation of applicable law.

4.4.13 Motions must be seconded in order to proceed to a vote.

4.5 **City Council Agendas**

4.5.1 With the exception of items added to a City Council agenda pursuant to Section 4.5.4 of this Policy, the City Manager shall be responsible for determining items to appear on City Council meeting agendas.

4.5.2 The standard template for City Council agendas shall be established by Council by majority vote. The City Manager shall have the authority to reorganize the template on a case-by-case basis if he/she believes that a variation in the normal order of business is appropriate.

4.5.3 Councilmembers may agendize items to enable them to "report out" on matters relating to their own activities, including activities pertinent to their Council-appointed positions on regional commissions, committees and boards, provided the report is informational only. If Council action is being sought, the process defined in Section 4.5.4 of this Policy shall be followed.

4.5.4 A member of the City Council may propose at a Council meeting that an item be agendized for future Council discussion, consideration, and/or action. If the proposal is supported by a majority vote of Councilmembers present, subject to notice and hearing requirements, it shall be agendized for a future meeting and noticed as required by law.

4.5.5 Notwithstanding Sections 4.5.1 and 4.5.4 of this Policy, the process to review, appeal, or otherwise "call up" decisions by the Planning Commission or other subordinate City bodies shall be subject to the requirements of the San Clemente Municipal Code.

4.5.6 Notwithstanding Section 4.5.4, a proposal to reconsider any action taken by the City Council may be raised only at the same meeting or the next regularly scheduled meeting of the City Council after the action is taken and may be raised only by one of the

Councilmembers who voted with the prevailing side. Additionally, the motion to reconsider may only be made by one of the Councilmembers who voted with the prevailing side.

- 4.5.7 The City Clerk shall be responsible for the preparation of Council meeting agendas and shall cause copies to be posted on the City Hall bulletin board(s) and City website. Whenever feasible, regular and adjourned regular meeting agendas shall be posted at least six days prior to meetings, but in no event less than the posting time requirements as set forth in State law. In the case of special meetings, agendas shall be posted as soon as practical, but in no event less than the posting time requirements as set forth in State law.
- 4.5.8 Consent Calendar items shall be comprised of items that are expected to be noncontroversial. Unless an item is removed from the Consent Calendar by a member of the Council, staff, or the public for separate discussion and action, the Consent Calendar may be acted upon by one motion.
- 4.5.9 The City Council may waive the reading in full of all Resolutions and Ordinances. The reading of Resolution titles shall be optional. The reading of Ordinance titles shall not be waived.
- 4.5.10 Members of the public may address Council concerning matters within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, during the Oral Communications portion of the agenda. Speakers may address Council once during either Oral Communications Part 1 or Part 2. Speakers shall be allotted 3 minutes in which to give his or her presentation.

4.6 **City Council Minutes**

- 4.6.1 The City Clerk shall have exclusive responsibility for the preparation of the minutes.
- 4.6.2 The minutes of City Council meetings shall be submitted to Council for approval/modification at a City Council meeting. Any direction for modifications to the City Council minutes shall only be made upon a majority vote of the City Council.
- 4.6.3 Minutes shall be prepared in brief concise form, in what are commonly referred to as "action minutes". Action minutes memorialize what was *done* at a meeting, as opposed to what was *said* at a meeting. An exception to this guideline is that a brief summarization of comments provided to Council by the public are to be included in the minutes. Additionally, the identity of

Councilmembers who make motions, second motions, and cast votes on motions are to be included in the minutes.

- 4.6.4 Unless the reading of the minutes of a City Council meeting is ordered by a majority of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each Councilmember with a copy thereof.
- 4.6.5 The approved minutes shall be executed by the Mayor and City Clerk upon approval by the City Council and shall constitute the official record of the City Council meeting.
- 4.6.6 The City Clerk shall enter the original executed minutes into the official records of the City as a permanent document.

4.7 **Closed Sessions**

- 4.7.1 The City Council may hold closed sessions during duly-noticed Council meetings on issues authorized by State law.
- 4.7.2 A City Commission or Committee may hold closed sessions during duly-noticed meetings of its body on issues authorized by State law, the City Council, and the City Attorney.
- 4.7.3 No member of the City Council, employee of the City, or any person present during a closed session shall disclose to any other person the content or substance of discussion or action which took place during the session, unless a majority vote of the Council authorizes such disclosure.
- 4.7.4 Closed sessions shall be limited to members of the City Council, City Manager, City Attorney and/or City legal counsel, as well as staff members and experts designated by the City Manager or City Attorney to attend portions of Closed Sessions relating to specific issues, as permitted by law.
- 4.7.5 To the extent possible, the public will be notified prior to the time that the City Council recesses to closed session as to whether or not a public announcement of action is anticipated following the Closed Session.
- 4.7.6 Where potential plaintiffs and defendants have manifested or communicated their awareness of facts and circumstances and a legal theory connecting those facts and circumstances to potential litigation involving the City, those facts and circumstances, together with (i) the identity of potential parties or (ii) related documentation, shall be disclosed prior to a closed session to discuss anticipated litigation, in accordance with GC 54956.9.



POLICY AND PROCEDURE

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

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.



POLICY AND PROCEDURE

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

1.0 **PURPOSE:**

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2.0 **ORGANIZATIONS AFFECTED:**

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3.0 **REFERENCES:**

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- 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.
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- 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.

**City Of San Clemente
Record Retention Schedule**

Do not duplicate or distribute to non-personnel
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of GGS, Inc. 909.337.3516

Record Code	Record Type* Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
101	1099 Report, 1095	Accounting	CY + 5 years	GC 34090; ER 31.6001-1(e)(2)
	1095-C (Employer-Provided Health Insurance Offer and Coverage)	Accounting	CY + 5 years	GC 34090, 6 CFR 31.6001-1(e)(2)
102	A/P Canceled Check List	Accounting	CY + 5 years	GC 34090
103	Accounts Receivable Balance by Fund Report	Accounting	CY + 6 years When No Longer Required (The financial database and year-end GL can be considered the final / original record)	GC 34090
104	Accounts Receivable Invoice File - Request, Invoices, Letters, Grants, Backups and Vendor Information	Accounting	CY + 6 years	GC 34090
105	Accounts Receivable Posting Report	Accounting	CY + 6 years When No Longer Required (The financial database and year-end GL can be considered the final / original record)	GC 34090
106	Aging Reports	Accounting	CY + 6 years When No Longer Required (The financial database and year-end GL can be considered the final / original record)	GC 34090
107	Alarm Permit Application & Renewal	Accounting	CY + 5 years	GC 34090
108	Ambulance Subscriptions	Accounting	CY + 5 years	GC 34090
109	Audit Report	Accounting	P	GC 34090
110	Bad Debt Paper Work - Includes: Credit Bureau Service Reporting Form, Invoices, Paperwork to Collections.	Accounting	CY + 7 years this is the length of time bad credit remains on someone's credit report	GC 34090
111	Bank Reconciliation	Accounting	CY + 6 years (The financial database and year-end GL can be considered the final / original record)	GC 34090
112	Bank Statements	Accounting	CY + 5 years	GC 34090, 26 CFR 31.6001-1
113	Batch Report for Daily Cash	Accounting	T + 5 years	GC 34090
	Bonds / Certificates of Participation	Accounting	T + 5 years	CCP 337.5(a); GC 34090

Retention Abbreviations - ACT-Active, CL-Closed, CY-Calendar Year, DISC-Discontinued, P-Permanent, REV-Revised, SET-Settlement, SUP-Superseded, T-Terminated
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**City Of San Clemente
Record Retention Schedule**

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
114	California Franchise Tax DE-6, DE-7, DE-9 DE-43, DE-166	Accounting	CY + 5 years	R&T 19530; 29 CFR 516.5 - 516.6, 29 USC 436, GC 34090
115	Canceled Checks - A/P	Accounting	CY + 5 years	GC 34090
116	Canceled Checks - Payroll	Accounting	CY + 5 years	GC 34090
117	Capital Lease Payment Schedule	Accounting	CY + 5 years	GC 34090
118	Casa Daily Income Sheet	Accounting	CY + 5 years	GC 34090
119	Cash Receipt Extract Posting List	Accounting	CY + 5 years	GC 34090
120	Cash Receipts (Pink Copies)	Accounting	CY + 5 years	GC 34090
121	Cash Receipts Envelope - Backup daily, Cash Recap Report, Receipts, Cash recap report by cashier, utilities Mgmt. Cash receipts Listing, Summary Report, Transaction Code, Cash Register Edit List, Cashiers Cash Recap Report, Remittance Summary, Cash Receipt Transaction Report, Detailed Cash Register Tape, Community Development Cash Register Tape, A/R Receipts Posting List, Permit Applications, Community Development Cashier Report, and General Journal Edits..	Accounting	CY + 5 years	GC 34090
122	CDBG (Community Development Block Grant) Funded Loans	Accounting	Payment or Forgiveness + 5 years, or After Funding Agency Audit, if it is required	<u>2 CFR 200.333</u> 24 CFR 85.42 24 CFR 570.490 29 CFR 97.42 GC 34090
123	Certification of Warrants - A/P	Accounting	CY + 6 years	GC 34090
124	Certified Payroll Register - Microfilmed	Accounting	CY + 5 years is the minimum	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6
125	Check Posting List - A/P	Accounting	CY + 5 years	GC 34090
126	Invoice Posting Report- A/P	Accounting	CY + 5 years	GC 34090

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Record Retention Schedule**

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
127	Collection File	Accounting	CY + 5 years P	GC 34090
128	Comprehensive Annual Financial Report	Accounting		GC 34090
129	Deduction Registers - P/R - Microfilmed	Accounting	CY + 5)	GC 34090
130	Deposit Account Reconciliation's	Accounting	CY + 5 years	GC 34090
131	Final Check List Report - A/P	Accounting	CY + 6 years (The checks, financial database and year-end GL can be considered the final / original record)	GC 34090
132	Fiscal Agreement Summaries	Accounting	CY + 2 years	GC 34090
133	FLSA Report - (Overtime)	Accounting	ACT + 3 years	29 CFR 516.5, 516.6 GC 34090
134	General Ledger	Accounting	P	GC 34090
135	Grant Activity File	Accounting	CL+ 5 years, or After Funding Agency Audit, if it is required	2 CFR 200.333 24 CFR 85.42 24 CFR 570.502 (a) 16 29 CFR 97.42 GC 34090
136	Grant Audit File	Accounting	CL+ 5 years, or After Funding Agency Audit, if it is required	2 CFR 200.333 24 CFR 85.42 24 CFR 570.502 (a) 16 29 CFR 97.42 GC 34090
137	Health Insurance Expenditure Reports	Accounting	CY+5 years	29 USC 1027 CCP 337, 338 GC 34090
138	Housing Rehab Reimbursement Files	Accounting	CL+ 5 years, or After Funding Agency Audit, if it is required	24 CFR 85.42 24 CFR 570.502 (a) 16 29 CFR 97.42 GC 34090
139	Leave Balance Reports - Microfilmed	Accounting	ACT + 3 years	GC 34090
140	Monthly Concession Reports	Accounting	CY + 5 years	GC 34090
141	Month End Reports	Accounting	CY + 6 years	GC 34090

Retention Abbreviations - ACT-Active, CL-Closed, CY-Calendar Year, DISC-Discontinued, P-Permanent, REV-Revised, SET-Settlement, SUP-Superseded, T-Terminated
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Record Retention Schedule**

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
142	Monthly/Quarterly Reports	Accounting	CY + 6 years	GC 34090
143	Monthly Journal Vouchers	Accounting	CY + 5 years	GC 34090
144	Monthly Statements & Reconciliation	Accounting	CY + 5 years	GC 34090
145	Monthly Statements and Reconciliation for Investments	Accounting	CY + 5 years	GC 34090
146	Outstanding Check List	Accounting	CY + 5 years	GC 34090
147	P.E.R.S. Employee Deductions Report - Microfilmed	Accounting	CY + 5 years	GC 34090
148	Parking Permits - Revenue	Accounting	CY + 5 years	GC 34090
149	Payroll Changes - Microfilmed	Accounting	CY + 5 years	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6
150	Payroll Check Posting List - Microfilmed	Accounting	CY + 5 years	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6
151	Payroll G/L Account Posting List - Microfilmed	Accounting	CY + 5 years	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6
152	Payroll Labor Distribution Reports	Accounting	CY + 6 years When No Longer Required (preliminary drafts)	GC 34090
153	Payroll Registers	Accounting	CY + 5 years is the minimum	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6
154	Payroll Reports	Accounting	CY + 5 years	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6

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155	Payroll Time Cards	Accounting	CY + 5years	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6 IRS Reg 31.6001-1(e)(2) R&T 19530 LC 1174(d)
156	Posting JV List	Accounting	CY + 5 years	GC 34090+F72
157	Purchase Orders	Accounting	CY + 5 years	GC 34090 CCP 337
158	Receipts - CASA Cash Receipts	Accounting	CY + 5 years	GC 34090 CCP 337
159	SB 542 Report - A/P	Accounting	CY + 5 years	GC 34090
160	SDGE Monthly Statements - Includes: Correspondence, Invoice Request for Payment, Reports.	Accounting	CY + 5 years	GC 34090
161	Site Lease Reports	Accounting	CY + 5 years	GC 34090
162	State Controllers Report / Local Government Compensation Report / Department of Finance Schedule of Obligations	Accounting	CY + 5 years	GC 34090
163	State Mandate Files	Accounting	Payment Received + 5 years	GC 34090
164	Summary Reports 941, Microfilmed	Accounting	CY + 5 years	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6 IRS Reg 31.6001-1(e)(2) R&T 19530 29 USC 436

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165	Tax Returns - 941 - Federal	Accounting	CY + 5 years	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6 IRS Reg 31.6001-1(e)(2) R&T 19530 29 USC 436
166	Timesheets - Employee	Accounting	CY + 5 years	29 CFR 516.2, 516.5, 6 LC 1174(d) GC 34090 IRS Reg §31.6001-1(e)(2) R&T §19530
167	Transient Occupancy Tax Form	Accounting	CY + 5 years	GC 34090
168	Treasury Report	Accounting	10 years	GC 34090
169	Used Sales Tax Report for out of State Vendors	Accounting	CY + 5 years	GC 34090
170	Utilities Billing Month End Reports	Accounting	CY + 6 years	GC 34090
171	Void Check Posting Report A/P	Accounting	CY + 5 years	GC 34090
172	W-2- Microfilmed	Accounting	CY + 5 years	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6
173	W-4, W-4A - Employee Tax Deductions	Accounting	DISC + 4 years	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6
174	W-9 (Federal Tax Information)	Accounting	CY + 5 years	26 CFR 31.6001-1, 31.6001-2, 31.6001-3, 31.6001-4, 31.6001-5 29 CFR 516.5, 516.6

**City Of San Clemente
Record Retention Schedule**

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
175	Warrant Package - A/P - Invoice, Request for Payment, Copy of Checks, Release of Retention, Shippers, Packing Slips, Expense Reimbursement Instruction for Payment.	Accounting	CY + 5 years Why microfilm these?	GC 34090
176	Warrant Package - Capital Assets Includes: Request for Payment, Copy of Checks, Release of Retention, Shippers, Packing Slips, Expense Reimbursement Instruction for Payment, Invoice.	Accounting	CY + 5 years	GC 34090
177	Council Approved Certification of Warrants - A/P - Submitted to City Council each week with Check List, Warrant Register Signature List.	Accounting	CY + 6 years	GC 34090.7
178	Workers Comp Account Reconciliation Report	Accounting	CY + 5 years	GC 34090
179	Workers Comp Check Register	Accounting	CY + 5 years	GC 34090
180	Workers Compensation Canceled Checks Bank Statements	Accounting	CY + 5 years	GC 34090
181	Year-end Report Includes Trial Balance, Revenue, Status Report and Expenditure Status Report	Accounting	P	GC 34090
182	Communications Billings	Accounting	CY + 5 years	GC § 34090
183	Audit Reports	Accounting	P	GC 34090
184	Audit Proposal	Accounting	2 years (the contract is the original)	GC 34090
185	Recreation Receipts	Accounting	CL + 5 years	GC § 34090(a)
186	Recreation Receipts File - Invoice, Registration Form Waiver, Application	Accounting	CY + 5 years	GC § 34090
201	Adoption Records	Animal Shelter	ACT+3 years	FA §32003(e), PC §597.1(d); CCP 337 GC 34090
202	Animal License	Animal Shelter	CY + 3 years	FA §32003(e), PC §597.1(d); GC § 34090

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203	Animal Pesticide Report to State	Animal Shelter	CY + 2 years	3 CCR 6623, 40 CFR 171.11 et seq. GC 34090
204	CASA Animal Service Agreement	Animal Shelter	CL + 5 years	GC 34090 CCP 337
205	Committee Agendas-CASA	Animal Shelter	CY + 2 years	GC 34090
206	Committee Minutes-CASA	City Clerk	P	GC 34090
207	Complaint Information/Call Cards	Animal Shelter	CY + 3 years	FA §32003(e), PC §597.1(d); GC 34090
208	Daily Activity Sheets	Animal Shelter	CY + 3 years	FA §32003(e), PC §597.1(d); GC 34090
209	Drug Medical Supplies	Animal Shelter	CY + 3 years	GC 34090 16 CCR 1790; 21 CFR §1304.04, 1310.04+F109
210	Euthanasia Records	Animal Shelter	CY + 3 years	FA §32003(e), PC §597.1(d); GC 34090
211	Impound Information	Animal Shelter	CY + 3 years	FA §32003(e), PC §597.1(d); GC 34090
212	Medical Records - Medical History Sheet, Volunteer Notes, Lab Reports, and X-Rays.	Animal Shelter	CY + 3 years	FA §32003(e), PC §597.1(d); GC 34090
213	Medical Waste	Animal Shelter	CY + 3 years	GC 34090
214	Notebooks - Animal Activity	Animal Shelter	CY + 3 years	FA §32003(e), PC §597.1(d); GC 34090

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215	Officers Report	Animal Shelter	CY + 3 years	FA §32003(e), PC §597.1(d); GC 34090
216	Public Meeting Minutes	City Clerk	P	GC 34090
217	Quarantine Reports	Animal Shelter	CY + 3 years	FA §32003(e), PC §597.1(d); GC 34090
218	Receipts	Accounting	CY + 5 years	GC 34090
219	Staff Meeting Minutes & Notes	Animal Shelter	CY + 2years	GC 34090
220	Statistical Reports	Animal Shelter	CY + 2 years	GC 34090
221	Training Materials	Animal Shelter	CY + 5 years	29 CFR 1627.3(b)(2), 8 CCR §3204(d)(1) et seq., GC §§12946, 34090, 53235.2(b) F129
222	Treatment Schedule	Animal Shelter	CY + 3 years	FA §32003(e), PC §597.1(d); GC 34090
223	Vet Schedules	Animal Shelter	CY + 3 years	CCP 337,343 GC 34090
224	Vicious Dog Declarations	Animal Shelter	ACT + 3 years (you want these records as long as the dog is in your city)	GC 34090
225	Volunteer Applications	Animal Shelter	ACT + 3 years	GC 34090 29 CFR 1602.31 31 & 1627.3(b)(1)(i)&(ii), GC 12946
226	Volunteer Information	Animal Shelter	ACT+ 3 years	GC 34090 29 CFR 1602.31 31 & 1627.3(b)(1)(i)&(ii), GC 12946
227	Volunteer Logs	Animal Shelter	ACT + 5 years	GC 34090

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228	Volunteer Waivers	Animal Shelter	ACT + 5 years	GC 34090 29 CFR 1602.31 31 & 1627.3(b)(1)(i)&(ii), GC 12946
229	Warnings & Citations	Animal Shelter	Resolved +4 years	GC 34090
301	Affidavit	CDD/Bus. Lic.	CY + 2 years	GC 34090
302	Alcohol & Beverage Control Applications	CDD/Bus. Lic.	T + 5 years	GC 34090
303	Applicant Information	CDD/Bus. Lic.	CY + 2 years	GC 34090
304	Application for Alcoholic Beverage Licenses	CDD/Bus. Lic.	T + 5 years	GC 34090
305	Application for Business License	CDD/Bus. Lic.	T + 5 years	GC 34090
306	Application for Business License - Rental	CDD/Bus. Lic.	T + 5 years	GC 34090
307	Application for Business License Homebase - Permit	CDD/Bus. Lic.	T + 5 years	GC 34090
308	Application for Exempt Permit	CDD/Bus. Lic.	T + 5 years	GC 34090
310	Business License Certificate	CDD/Bus. Lic.	T + 5 years	GC 34090
311	Business License Refunds	CDD/Bus. Lic.	T + 5 years	GC 34090
312	Business License Renewal Notice	CDD/Bus. Lic.	T + 5 years	GC 34090
313	Daily Receipts for License	CDD/Bus. Lic.	T + 5 years	GC 34090
314	Door to Door Soliciting Permit Application	CDD/Bus. Lic.	T + 5 years	GC 34090
315	Fictitious Business Name Statements Reports	CDD/Bus. Lic.	T + 5 years	GC 34090
316	Instructions & Guidelines for Business License Inspection	CDD/Bus. Lic.	Sup + 2 years	GC 34090
317	Renewal Report	CDD/Bus. Lic.	T + 5 years	GC 34090
319	South Orange County Environmental Protection Permit Screening Form	CDD/Bus. Lic.	T + 5 years	GC 34090
320	State Board Listing of Current Business License	CDD/Bus. Lic.	T + 5 years	GC 34090

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321	Sub Contractor Sign off Sheet Business License Verification	CDD/Bus. Lic.	T + 5 years	GC 34090
322	Welcome Letter	CDD/Bus. Lic.	CY + 2 years	GC 34090
323	Small Claims Court Actions	CDD/Bus. Lic.	CL+3 years	GC 34090
401	Abandonment - Vacation of public rights-of-way	City Clerk	P	GC § 34090(a)
402	Unassigned			
403	Agendas - City Council (Agendas-other Committees kept by department)	City Clerk	CY + 2 years	GC §§ 34090(d),
404	Proof of posted agendas-Affidavits	City Clerk	CY + 2 years	GC §§ 34090(d),F160
405	Agenda Packets - (Originals) City Council - and Staff reports	City Clerk	P	GC § 34090
406	Preliminary drafts. Draft agendas, Council-annotated agendas, and Council agenda notes taken at Council meetings and closed sessions. Any documents from which Councilmembers or City staff members have read aloud during a public meeting, shall not qualify for exemption pursuant to GC 6254(a), and shall be treated as a public record for purposes of retention and disclosure.	City Clerk	2 years	GC § 6254(a)
407	Unassigned			
408	Unassigned			
409	Agreement - Infrastructure	City Clerk	P GGS recommends someone keeps this P - just in case of a disaster in which people are injured...	CCP §337 GC § 34090
410	Agreement - Joint Community Facilities	City Clerk	CL+5 years	CCP 337 GC § 34090
411	Agreement - Professional Services	City Clerk	CL+10 years	CCP §337 GC § 34090
412	Agreement - Purchase	City Clerk	P	CCP § 337 GC § 34090

Retention Abbreviations - ACT-Active, CL-Closed, CY-Calendar Year, DISC-Discontinued, P-Permanent, REV-Revised, SET-Settlement, SUP-Superseded, T-Terminated
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413	Agreement - State & Federal Aid Property	City Clerk	P	CCP 337, 49 CFR 18.42 GC § 34090
414	Annexations - Boundary changes	City Clerk	P	GC § 34090(a)
415	Annual Budget	City Clerk	P	GC § 34090
416	Appeals - Decisions made by City Council or Planning Commission	City Clerk	P	GC § 34090(a)

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417	Appointment Files (Commissions & Committees) - Applications, Resignations, Interview Agenda, Congratulatory Letters, Correspondence, Board Members Oath & Resignations, Board /Committees & Commissions Applications.	City Clerk	Term of Appoint. + 6 years	GC § 34090, PC §§801.5, 803c
418	Assessment District Ballots Votes on assessment district issues	City Clerk	6 months	California Constitutional Article XIII D, § 6 EC §§ 17302, 17306
419	Audio Tapes of City Council Meetings	City Clerk	2 Years per City Attorney	GC § 54953.5(b)
	DVD's of City Council Meetings	City Clerk	1 Year	
420	Audits - Quarterly	City Clerk	CY + 2	GC § 34090
421	Audits - Annual	City Clerk	P	GC § 34090
422	Unassigned			
423	Bid Summary	City Clerk	CY + 2 years	GC § 34090
424	Bid Package Accepted Bid - Bidding Schedule, Plan Holders List, Cost Estimates, Certificates of Publication, Notice of Award, Notice to Proceed, Certificate of Insurance, Bid Set Drawings/Plans.	Engineering	P	GC § 34090
	Bid Summary, Contract, Bonds, Certificate of Insurance	City Clerk		
425	Bid Package Rejected Bid - Bidding Schedule, Plan Holders List, Cost Estimates, Certificates of Publication, Bid Summary, Contractors Bid Package, Notice of Award, Notice to Proceed, Project Contract, Bonds, Certificate of Insurance Bid Set Drawings/Plans.	Engineering	CY + 2 years	GC § 34090(d)
426	Biographies - Council	City Clerk	ACT +2	GC § 34090(d)

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
427	Boards, Commissions, Committees: APPLICATIONS - NOT APPOINTED	City Clerk	CY + 2 years	GC § 34090(d)
428	Boards, Commissions, Committees: APPLICATIONS of members appointed to serve on a Board or Commission or Committee	City Clerk	Term of Appoint. + 6 years	GC § 34090; PC §§801.5, 803c
429	Boards, Commissions, Committees: APPOINTMENTS / RESIGNATIONS / OATHS	City Clerk	Term of Appoint. + 6 years	GC § 34090; PC §§801.5, 803c
430	Boards, Commissions, Committees: LISTS OF CURRENT MEMBERS	City Clerk	Term of Appoint. + 2 years	GC §§ 34090(d),
431	Boards, Commissions, Committees: LISTS OF HISTORIC MEMBERS	City Clerk	P	GC § 34090
432	Bonds - Subdivision Improvements	City Clerk	After Release of Bond (these are financial instruments)	GC § 34090(a)
433	Business License Appeals	City Clerk	CY + 2 years	GC § 34090
434	By Laws - Commissions/Committee	City Clerk	P	GC § 34090(e)
435	Capital Improvement Projects (CIP) - Major improvements presented to City Council (see Contracts CIP)	City Clerk	P	GC § 34090
436	City Antenna Permit File - Application, Environmental Assessment Form, Plans, Site Plan, Photographs, Visual Analysis, and Health Studies.	City Clerk	P	CCP 337.15 CCP 338(k), 338(l), 338.1 42 USC 9603 42 USC 9612(d), 9613(g) 42 USC 9658 33 USC 1251 et seq 42 USC 6972, 6973
437	City Attorney Opinions	City Clerk	P	GC § 34090.7
438	City Clerk Personnel Records - (Personal Action Rating Report)	City Clerk Personnel	T + 5 years	29 USC 1113 8 CCR 3204(d) (ii) 29 CFR 516.5, 29 CFR 1602.12, 1602.14, 1602.31, 1627.3 CA GC 12946, 12960 LC 1174, LC 1198.5
439	City Council Mail - Correspondence received from citizens regarding city affairs.	City Clerk	CY + 2 years	GC § 34090

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440	City History Files - Includes: Seal, Flowers, History, Gifts, Sister Cities	City Clerk	P	GC § 34090
441	City Owned Personal Property Inventory	City Clerk	CY + 2 years	GC § 34090
442	Coastal Permit	City Clerk	P	GC § 34090
443	Unassigned			
444	Contract - Cable TV	City Clerk	ACT + 10 years	CCP §§ 337, 337.1(a), 337.15; GC § 34090
445	Contract - Capital Improvements Projects, Public Works, Development City Facilities Construction on city buildings, infrastructure, franchise, parks, reservoirs, sewers, streets & roads, utilities and water.	City Clerk	P	CCP §§ 337, 337.1(a), 337.15, 343 GC § 34090
446	Contract - Community Development Block Grants	City Clerk	CL+ 5 years, or After Funding Agency Audit, if it is required	24 CFR 570.490 GC § 34090
447	Contract - City Facilities Improvements	City Clerk	P	CCP 337 et seq., 343; GC § 34090
448	Contract - Concessions and Concession Files	City Clerk	CL +5 years	CCP 337 et seq. ; GC 34090
449	Contract - Hazardous Material	City Clerk	P	CCP 337.15, 337 et seq., 343 GC § 34090 +F196
450	Contract - Joint Powers Agreement (JPA)	City Clerk	P	CCP 337 et seq., 343; GC § 34090
451	Contract - Landscape Maintenance	City Clerk	CL + 5 years	CCP §§ 337 et seq., 343; GC § 34090
452	Contract - Lighting, Signals, landscape	City Clerk	P	CCP §§ 337 et seq., 343; GC § 34090

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453	Contract - Non Infrastructure Concessionaires, Professional Consultants, Demolition, Landscaping, Cable Franchises, Paving and Communication Sites	City Clerk	CL + 10 years (some of these may have E&O, which is 10 years)	CCP §§ 337 et seq., 343; GC § 34090
454	Contract - OCFA for Fire Service	City Clerk	P	CCP §§ 337 et seq., 343; GC § 34090
455	Contract - PERS, SSI, & Retirement	City Clerk	P	29 USC 1113; 29 USC 1027 CCP §§ 337 et seq., 343; GC § 34090
456	Contract - Police Services	City Clerk	P	CCP §§ 337 et seq., 343; GC § 34090
457	Contract - Street Rehabilitation Construction	City Clerk	P	CCP 337.15; 337 et seq., 343; GC § 34090 +F202
458	Contract - Weed Abatement	City Clerk	CL + 5 years	CCP §§ 337 et seq., 343; GC § 34090
459	Contract City Facilities Construction	City Clerk	P	CCP 337.15 CCP 338(k), 338(l), 338.1 42 USC 6972, 6973, 9603, 9612(d), 9613(g), 9658 33 USC 1251 et seq
460	Easements and Easement Abandonments	City Clerk	P	GC § 34090
461	Unassigned			
462	Easements -Right of Entry	City Clerk	P	GC § 34090
462	Ethics Training Certificates	City Clerk	5 years	GC § 53235.2(b)

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463	Grant - Safety	City Clerk	CL+ 5 years, or After Funding Agency Audit, if it is required	<u>2 CFR 200.333</u> 24 CFR 85.42 24 CFR 570.490 29 CFR 97.42 GC 34090
464	Grants - CDBG	City Clerk	CL+ 5 years, or After Funding Agency Audit, if it is required	<u>2 CFR 200.333</u> 24 CFR 85.42 24 CFR 570.490 29 CFR 97.42 GC 34090
465	Grants - Federal & State	City Clerk	CL+ 5 years, or After Funding Agency Audit, if it is required	<u>2 CFR 200.333</u> 24 CFR 85.42 24 CFR 570.490 29 CFR 97.42 GC 34090
466	Grants - Urban Development	City Clerk	CL+ 5 years, or After Funding Agency Audit, if it is required	<u>2 CFR 200.333</u> 24 CFR 85.42 24 CFR 570.490 29 CFR 97.42 GC 34090
467	Lease - City Property	City Clerk	T + 5 years	CCP 337.2; GC § 34090
468	Unassigned			
469	Logs - Claims, Subpoenas, Record Requests	City Clerk	2 years	GC § 34090(d)
470	Lot Line Adjustments	City Clerk	P	GC § 34090(a)
471	Memorandum of Understanding	City Clerk	P	CCP 337 et seq, 343; GC § 34090
472	Minutes - Original - City Council, Commission & Committee Meetings	City Clerk Planning Engineering	P	GC § 34090(e)
473	Mission Statement of the City	City Clerk	P	GC § 34090+F241
474	Municipal Code	City Clerk	P	GC § 34090
475	Municipal Code Recodifications	City Clerk	P	GC § 34090

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476	Municipal Code Administration - Backup documentation to the administration of the municipal code, including correspondence, drafts, etc.	City Clerk	CY + 2 years	GC § 34090
477	Unassigned			
478	Notice of Award - Capital Project	City Clerk	P	CCP 337 et seq, 343; GC § 34090
479	Notice of Completion - File with County Recorder after completion of project.	City Clerk	P	GC § 34090
480	Notices Public Hearing Publication - Affidavits	City Clerk	2 years	GC § 34090
481	Unassigned			
482	Offer of Dedication	City Clerk	P	CCP 337.15, 343; GC § 34090
483	Ordinances - Laws & Regulations Adopted by City Council.	City Clerk	P	GC § 34090(e)
484	Unassigned			
485	Planning Commission Resolutions & Minutes	City Clerk	P	GC § 34090
486	Unassigned			
487	Policies & Procedures	City Clerk and All Departments	P	GC § 34090
488	Proclamations - Certificate of Recognition by City Council	City Clerk	10 years	GC § 34090
489	Professional Memberships	City Clerk	ACT + 2 years	GC § 34090
490	Project Bonds	City Clerk	CY + 10 years	GC § 34090
491	Prop 218 Finance	City Clerk	P	GC § 34090
	Prop 218 Ballots & Protest Letters	City Clerk	P	GC §53753(e)(2)
492	Proof of Publication	City Clerk	2 years	GC § 34090

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493	Records Management Disposition Certificate	City Clerk	P	GC § 34090
494	Records Management Policy & Procedures	City Clerk	P	GC § 34090
495	Records Retention Schedule / Amendments to Records Retention Schedule	City Clerk	P	GC § 34090
496	Request for Proposals (RFP)	City Clerk	CL+10 years for construct. CL+5 years all others	CCP 337, 337.15, 343; GC § 34090
497	Resolutions - Adopted by Council, Commission & Committees	City Clerk	P	GC § 34090(e)
498	Settlement Agreement - Liability Claims	City Clerk	P	CCP 337, 343 GC 34090, 911.2, 945.6
499	Settlement Agreement - Liability Claims involving a minor child.	City Clerk	CL + 5 years after age of majority	CCP 337, 343 GC 34090, 911.2, 945.6
501	Settlement Release of Claims - Liability Claims	City Clerk	CL + 5 years	CCP 337, 343 GC 34090, 911.2, 945.6
502	Software Licenses	City Clerk	SUP or DISC	GC § 34090
503	Special Events - Brochures & Correspondence for event.	City Clerk	2 years	GC § 34090(d)
504	Special Events - Grand Opening, Parades	City Clerk	Event + 2 years	GC § 34090(d)
505	Staff Reports - Reports submitted to Council to provide background and recommendations for proposed legislative action.	City Clerk	P	GC § 34090
507	Subdivision Agreements - Presented to Council for approval	City Clerk	P	GC § 34090(a)
508	System Information	IT- Software Application Information	Until SUP or DISC	GC § 34090
509	Tapes of Public Meetings - Video - Council	City Clerk	1 year	GC § 34090.7
510	Tract Maps - w/Staff Report	City Clerk	P	GC § 34090(a)
511	Variances - Approval	Planning	P	GC § 34090(a)
512	Working File - Election includes correspondence, etc.	City Clerk	Election + 2 years	GC § 34090(d)

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513	Zoning Amendment - Adopted by Council to modify any part of City Zoning Code.	City Clerk	P	GC § 34090(a)
514	Zoning Ordinance - Adopted by Council to modify any part of the City's Zoning Code	City Clerk	P	GC § 34090(a)
515	Zoning Violations - Code Enforcement	Code Enforcement	Resolved + 2 years	GC § 34090
601	Public Use Facilities Files - Includes conditions of facility report, facility and facility reservation form and agreements.	Beaches, Parks & Rec.	CL + 5 years	CCP § 337, 343; GC § 34090
602	Agreements - Joint use of School Sites	City Clerk	CL + 5 years	CCP § 337, 343; GC § 34090
603	Release of Liability Forms -	Beaches & Parks	Resolved + 5 years or until minor reaches age 20	CCP 337, 340, GC § 34090
604	Rent Receipts Revenue Statements	Code Enforcement/ Accounting	CY + 5 years	GC 34090
605	Post Office Permit	Accounting	ACT + 2 years	GC § 34090
606	Weed Abatement Assessment	Code Enforcement/ Accounting	CY + 5 years	GC 34090
607	Weed Abatement Contract	City Clerk	CY + 5 years	CCP § 337, 343; GC 34090
608	Weed Abatement Letter	Code Enforcement	CY + 5 years	GC 34090
609	Sublease	City Clerk	CL + 5 years	CCP 337.2, 343; GC § 34090
701	Agreements - Coastal	City Clerk	P	GC § 34090
702	Coastal Protection Bond	City Clerk	P	GC § 34090
703	Coastal Permits	City Clerk	P	GC § 34090

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801	Code Enforcement Files - Code Enforcement Form, 1st Letter, 2nd Letter, 3rd Letter, STAT, Administrative Citation, Correction Notice, Request for City Attorney Services, Report Monthly.	Code Enforcement	P	GC § 34090
802	Monthly Report	Code Enforcement	CY + 10 years	GC § 34090
803	Report Monthly - Certificate of Occupancy	Code Enforcement	CY + 2 years	GC § 34090
901	Unassigned			
902	Agreement - Wireless Master Plan	City Clerk	P	CCP 337 et seq., 343; GC § 34090
903	Unassigned			
1001	Vote-by-Mail ID Envelopes	City Clerk	Election + 6 months	EC § 17302(b)
1002	Vote-by-Mail Applications	City Clerk	Election + 6 months	EC § 17505(b)
1003	Ballots - Recount	City Clerk	Election + 6 months (from time it takes to determine result of election recount)	EC § 17306(b)
1004	Ballots - No recount	City Clerk	Election + 6 months	EC § 17302(b)
1005	Campaign Reports I: FPPC 400's Elected officials	City Clerk	P	GC § 81009(b) & (g)
1006	Campaign Reports II: FPPC 400's Unsuccessful candidates	City Clerk	Election + 5 years	GC § 81009(b) & (g)
1007	Campaign Reports III: FPPC 400's Committees (PACS) Political Action Committees	City Clerk	Elections + 7 years	GC § 81009(c) & (g)
1008	Campaign Reports IV: FPPC 400's - NOT required to file original with City Clerk	City Clerk	5 years	GC § 81009(f) & (g)

**City Of San Clemente
Record Retention Schedule**

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
1009	Campaign Statements	City Clerk	If Elected - P Not Elected - Election + 5 years	GC 81009
1010	Candidate Statements: Original Statement submitted by Candidates	City Clerk	2 years	GC § 34090
1011	Certificates of Election -	City Clerk	P	GC § 34090
1012	Challenged & Assisted Voter List	City Clerk	Election + 6 months	EC § 17304 (b)(3) & (4)
1013	Code of Fair Campaign Practices	City Clerk	2 years	GC § 34090
1014	Conflict of Interest I - FPPC 700 - (Statement of Economic Interests) - DESIGNATED EMPLOYEES	City Clerk	7 years	GC § 81009(e) & (g)
1015	Conflict of Interest II - FPPC 700 (Statement of Economic Interests) - PUBLIC OFFICIALS (elected & appointed)	City Clerk	4 years	GC § 81009(f) & (g),
	FPPC Form 801 (Gift to Agency Report)	City Clerk	4 years	Must post on website; 2 CCR 18944.2(c)(3)(G)
	FPPC Form 802 (Tickets Provided by Agency Report)	City Clerk	7 years	Must post on website for 4 years; GC §81009(e)
	FPPC Form 806 (Agency Report of Public Official Appointments)	City Clerk	7 years	Must post on website; 2 CCR 18702.5; 2 CCR 18702.5(b)(3), GC §34090, 60201
1018	Inspector Receipts for Ballots	City Clerk	ACT + 6 months	EC 17302, 17306,
1019	Nomination Papers - Nomination of a candidate for office	City Clerk	Term + 4 years	EC § 17100
1020	Petitions - Initiative, recall, referendum, or charter amendment petitions.	City Clerk	Election Results or Final Examination if No Election + 8 months	EC §§ 17200, 17400
1021	Precinct Officer Appointments- Declaration of intention board member applications appointing nominations.	City Clerk	Election + 6 months	EC § 17503(b)
1022	Roster of Voters - Rosters signed by voters at their precinct.	City Clerk	Election + 5 years	EC § 17300

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1023	Tally Sheets - Conduct canvass	City Clerk	Election + 6 months	EC § 17304(b)(1)
1026	Working File - Election includes correspondence, etc.	City Clerk	2 years	GC § 34090(d)
1101	AQMD File (Air Quality Management Department)	Engineering	5 years	GC § 34090(a), 40 CFR 70.6;
1103	CEQA Documents	Engineering	P	14 CCR §15095(c); GC §34090
1105	County Entry Permit -Flood Control District	Engineering	P	CCP 337.15; GC §34090
1106	Environmental Project Files - 401 Permit, 404, 1603	Engineering	P	14 CCR §15095(c); GC §34090
1107	Fish & Game Permits	Engineering	P	GC §34090
1108	Industrial Stormwater Permit - SWPPP, BMP, Manifest for State Taxes, Engineering Orders, Least Turns Annual Report, Shrub Abatement Report	Engineering	CL + 3 years	GC §34090
1109	NPDES Permit (National Polutant Discharge Elimination System)	Engineering	P	40 CFR §§122.21, 122.41, 122.44 GC § 34090
1110	Program Files - Storm Water, Annual Reports, NPDES Annual Report.	Engineering	P	GC § 34090(a) 40 CFR §§122.21, 122.41
1111	Regional Water Quarterly Report	Engineering	P	GC §34090
1201	Agreements - Repurchase	Financial Services (FAS)	CL + 5 years	CCP §§ 337 et seq., 343 GC §34090
1202	Assessment District Administration Reports and Correspondence	Financial Services (FAS)	2 years	GC § 34090
1205	Banking Services File Proposals, contracts & Procedures	Financial Services (FAS)/City Clerk	CY + 5 years	CCP §§ 337 et seq., 343; GC § 34090
1206	Budget Information / Annual Budget (Filed with County Auditor)	Financial Services (FAS)	P	GC §§ 34090

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1208	City Property Files - Correspondence and Contracts.	City Facilities Administration/City Clerk	CL + 10 years	CCP §§ 337 et seq., 343; GC § 34090
1209	Conferences - Travel arrangements, approvals, schedules and descriptions of conferences attended by City employees	Financial Services (FAS)	5 years	GC § 34090
1210	Contract of City Services - Correspondence and Contracts	City Clerk	CL + 5 years	CCP §§ 337 et seq., 343; GC § 34090
1211	Employee Newsletter - Publicly distributed bulletin	Financial Services (FAS)	CY + 2 years	GC § 34090
1212	FAS Department Awards - (from outside organizations and not functional to any grant or project)	Financial Services (FAS)	P	GC § 34090
1213	Financial Statements	Financial Services (FAS)	P	GC § 34090
1214	Fixed Asset Files - Appraisal	Financial Services (FAS)	5 years	GC § 34090
1215	Insurance Policies - Inclusive of IDI, Property, Casualty, Workers, physical Assets, Compensation, Health, Mortgage, Boiler & Machinery, Primary, Indemnity, Excess Insurance, Liability, SJR, Auto.	City Clerk	P	CCP §§ 337 et seq., 343; GC § 34090
1216	Investment Advisory Committee Files Correspondence, Agendas, Minutes (original to City Clerk) & Affidavits	Financial Services/City Clerk	2 years	GC §§ 34090(d)
1217	Long Term Financial Plan (LTFP)	Financial Services (FAS)	SUP + 3 years	GC §§ 34090
1218	Mid-Year Adjustments to Budget	Financial Services (FAS)	CY+ 5 years	GC §§ 34090
1219	Monthly Investment Report	Financial Services (FAS)	P	GC §§ 34090(d)
1221	Unassigned			
1222	Quarterly Financial Report	Financial Services (FAS)	CY + 5 years	GC 34090

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1223	Retirement Services - Correspondence, Contracts and Reports.	City Clerk	P	29 USC 1113 CCP §§ 337 et seq., 343
1224	San Clemente City Employee Association Negotiation Files	City Clerk	20 years	GC § 34090
1225	Staff Meeting Agendas	Financial Services (FAS)	CY + 2 years	GC 34090
1226	Tax - Property	Financial Services (FAS)	CY + 5 years	GC § 34090; IRS Reg §31.6001-1(e)(2), R&T §19530,
1228	Tax - Sales Tax	Financial Services (FAS)	CY + 5 years	GC § 34090; IRS Reg §31.6001-1(e)(2), R&T §19530,
1229	Training - Outside trainer recommendations, curriculum, and correspondence.	Financial Services (FAS)	CY + 2 years	GC § 34090
1250	Emissions Fee Invoice	Budget Office	CY + 5 years	GC 34090
1301	Brochures	All Depts.	SUP + 2 years	GC § 34090
1302	Chron Files	All Depts.	2 years	GC § 34090
1303	Correspondence Minor Project Files (short term) Major Project Files (long term)	All Depts.	2 years	GC § 34090
1304	Duplicate Records	All Depts.	None	GC § 34090.7
1305	E-mail	All Depts.	Follows retention schedule for the email's subject. E-mail where the Content is NOT Substantive, or is NOT made or retained for the purpose of preserving its informational content for future reference, nor required by law or this retention policy, does not require retention for any particular period of time.	GC §§ 6252, 6254 GC 34090, 64 Ops. Cal. Atty. Gen. 317 (1981)); <u>City of San Jose v. Superior Court (Smith)</u> , S218066. <u>Supreme Court of California, 2017</u>
1306	Expense Reports Paid Bills	Financial Services (FAS)	CY+5 years	GC 34090

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
1307	Faxes	All Depts.	Follows retention schedule for the fax's subject Faxes <u>where the Content is NOT Substantive, or is NOT made or retained for the purpose of preserving its informational content for future reference, nor required by law or this retention policy, does not require retention for any particular period of time.</u>	GC §§ 6252, 6254 GC 34090, <u>64 Ops. Cal. Atty. Gen. 317 (1981));</u> <u>City of San Jose v. Superior Court (Smith), S218066.</u> <u>Supreme Court of California, 2017</u>
1308	Memberships Files - Professional	All Depts.	ACT + 2 years When No Longer Required (copies)	GC § 34090.7
1309	Policies & Procedures (Departmental)	All Depts.	SUP + 5 years	GC § 34090
1310	Project Files - FINAL RECORDS - Project information, Applications, Public Notices, Staff Reports, Approved Resolutions, Plans, Studies, and Contracts	All Depts.	CL + 10 years Public improvements/facilities and/or public works contracts P Plans & Specs, as-builts, etc.	CCP §§ 337 et. seq.; GC § 34090
1311	Public Record Request Forms	City Clerk	ACT + 2 years	GC § 34090(d)
1312	Record Destruction Lists/Record	City Clerk	P	GC § 34090
1313	Records Management Policy & Procedures (Departmental)	All Depts.	SUP + 5 years	GC § 34090
1314	Transmittals	All Depts.	None	GC § 34090
1401	Contract - Maintenance	City Clerk	CL + 5 years	CCP §§ 337 et seq.; GC § 34090
1402	Customer Surveys - Golf	Golf	CY + 2	GC § 34090
1403	Golf Committee File - Agendas, (Minutes, Resolutions to City Clerk).	Golf/City Clerk	2 years	GC §§ 34090
1404	Insurance Liability - Golf Course	City Clerk	P	CCP 340 CCP §§ 337 et seq.; GC § 34090
1405	Leases - Pro Shop Concessionaire	City Clerk	CL + 5	CCP 337 et seq.; GC § 34090
1406	Life Time Membership - Golf	City Clerk	ACT + 2 years	GC § 34090
1407	New Member Packet - Application and Release of Liability	Golf	ACT + 2	CCP 337 et seq. CCP 340 GC 34090

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
1408	Permit - Gas Storage (Encroachment Permit)	Engineering	P	CCP 338(k), 338(l), 338.1 42 USC 9603 42 USC 9612(d), 9613(g) 42 USC 9658 33 USC 1251 et seq 42 USC 6972, 6973
1409	Permit - Hazardous Waste - Documents for vehicle Maintenance Manifest for special project (Emergencies) Manifest reports, Contract for emergency Response	Engineering	P	42 USC 9603 GC § 34090
1410	Unassigned			
1411	Safety Report	Human Resources	ACT + 5 years	29 CFR 1627.3(b)(2) 8 CCR 10103.1 GC § 12946 8 CCR §3204(d)(1) et seq., GC §34090
1412	Special Events Permit - Brochures and correspondence .	Golf	Event + 2 years	GC § 34090(d)
1413	Tournament Files - Golf	Golf	Event + 2 years	GC § 34090(d)
1414	USE Planning & Development Activities Report - Golf	Golf	SUP	Administrative
1501	Application - Alarm Permit	Accounting	5 years	GC § 34090
1502	Application - Ambulance Service - Contract with client	Accounting	CL + 5 years	CCP §§ 337 GC § 34090
1503	Disaster Recovery Plans	City Clerk/Emergency Planner	Sup + 2 years	GC § 34090
1504	Emergency Plans	City Clerk/Emergency Planner	Sup + 2 years	GC § 34090

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1505	Guidelines for Compliance with the California Environmental Quality Act.	Human Resources Engineering	SUP	GC § 34090
1506	Hazardous Waste Management Documents for Vehicle Maintenance, Manifest for Special Projects (Emergencies), Manifest Reports, Contracts for Emergency Response, Manifests	Fleet Maintenance Human Resources Engineering Emergency Planner	P	42 USC 9603 CCP 337 GC § 34090
1507	Multi Hazard Emergency Plan	City Clerk Engineering	Sup + 2 years	GC § 34090
1508	Safety Report	Human Resources	SUP + 5 years	GC §34090 8 CCR §3203(b)(1), LC §6429(c)
1601	Accident Reports - Toxic exposure	Human Resources	CY + 30 years	8 CCR 3204(d)(1), 8 CCR 10102, 29 CFR 1904 29 CFR 1910.1020 8 CCR 15400.2 GC §34090
1602	Application - Employment	Human Resources	T + 2 years	29 CFR 1602.12, 1602.13, 1602.14 (EEO) GC §§12946, 34090
1603	Benefit/Retirement Program Files	Human Resources	ACT + 6 years	29 USC 1113 29 USC 1027 GC §34090
1604	CASA PERS Health Medical Files - Includes Notification letter	Human Resources	ACT + 6 years	8 CCR 3204 (d)(1) GC 12946 GC §34090
1605	Claims Files - Includes: STAT, Dept. memos, Correspondence, Attorney memos, Technician Notes, Invoices.	Human Resources Risk Mgmt	CL + 5 years	GC § 34090 CCP §§ 337 et seq.
1606	Cobra-Medical Benefit Files	Human Resources	ACT + 6 years	29 USC 1027 GC §34090
1607	Deferred Compensation ICMA Yearend Report	Human Resources	ACT + 6 years	GC §34090

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1608	Dental Insurance Program Files	Human Resources	ACT + 6 years	29 USC 1027 GC §34090
1609	Drug & Alcohol Testing Results	Human Resources	CY + 5 years	29 CFR 1627.3(b)(1)(v), 49 CFR 655.71 et seq.; 49 CFR 382.401 et seq., 49 CFR 382.401 29 CFR 1627.3, GC §§12946, 34090
1610	EDD-Unemployment Insurance Claims	Human Resources	T + 3 years	1602.12, 1602.31, 1627.3 GC 12946, 12960, 34090 LC 1174
1611	EEO Reports	Human Resources	CY + 4 years per City Attorney	CA Gov Code 12946 29 CFR 1602.30
1612	Employee Disability Files	Human Resources	T + 30 years	29 CFR 1910.1020 8 CCR 3204(d) GC § 34090
1613	Employee Fingerprints	Human Resources	T + 3 years	GC § 34090
1614	Employee Handbook	Human Resources & Employee	SUP + 6 years	GC §34090
1615	Employee Issues Files - Training, Terminations and Complaints.	Human Resources	CL + 3 years	29 CFR 516.5, 1602.12, 1602.14, 1602.31, 1627.3 GC 12946, 12960, 34090 LC 1174
1616	Employee Medical Records	Human Resources	T + 30 years	29 CFR 1910.1020 8 CCR 3204(d) GC § 34090
1617	Employee MOU	Human Resources & Employee Association	P	29 CFR 516.5, 1602.12, 1602.14, 1602.31, 1627.3 GC 12946, 12960 LC 1174 CCP 337 GC 34090
1618	Employee Salary Surveys	Human Resources	CY + 3 years	GC §34090

Retention Abbreviations - ACT-Active, CL-Closed, CY-Calendar Year, DISC-Discontinued, P-Permanent, REV-Revised, SET-Settlement, SUP-Superseded, T-Terminated
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1619	Employee Training Records	Human Resources & Employee	CY + 3 years	8 CCR §3203 et seq., LC §6429(c); 29 CFR 1627.3(b)(2) CG 12946, 34090
1620	Family Medical Leave Act Documents	Human Resources	T + 3 years	29 CFR. §825.500 29 CFR 1602.14, 1602.31, 1627.3 GC 12946, 12960, 34090
1621	Fire SCFA Labor Negotiation Files	Human Resources	Agreement + 5 years	CCP 337 GC §34090
1622	FSLA (Fair Labor Standards Act) Reports	Human Resources	ACT +3 years	29 CFR 1602.30 GC §34090
1623	Health and Physical Exams	Human Resources	T + 30 years	8 CCR 3204(d) 29 CFR 1910.1020 GC §34090
1624	Human Recourses Quarterly Reports	Human Resources	CY + 3 years	GC §34090
1625	Job Classifications and Appointments	Human Resources	T + 3 years	29 CFR 516.6, 1602.12, 1602.14, 1602.31, 1627.3 GC 12946, 12960 GC §34090
1626	Life Insurance Plans	Human Resources	ACT + 6 years	29 USC 1027 GC §34090
1627	Long Term Care Insurance	Human Resources	ACT + 6 years	29 USC 1027 GC §34090
1628	Pension Plans	Human Resources	ACT + 6 years	29 USC 1113 29 USC 1027 GC §34090
1629	PERS (Public Employees Retirement System) File	Human Resources	End of Benefits + 6 years	29 USC 1113 GC §§12946, 34090

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1630	<p>Personnel File - Inclusive of I-9's, W-4, Catastrophic Leave Donations, Educational Certificates, Verifications of employment, Release and Waiver of information, Deferred Compensation Enrollment, Dental Emergency Contact Information, Employee Evaluations, PERS enrollment, ESI New Hire, Permission for Pre-employment Fingerprint form, Physicals, Work Permit, Insurance Enrollment, Supplemental Life Insurance Enrollment, AVP Enrollment, Insurance Enrollment, Rainbow Enrollment Form, Job Application, Personnel Action, Job Flyers, Raters Questions, Rating Sheets, Medical Certification, Leave Application, Memorandum, Correspondence, Training Physical of Minor, Employee Personal Data Reimbursement Application, Personal Action, Request for incentive Credit, Test Results and Physician Report.</p> <p><i>Note: If any Post Termination benefit records are included a longer retention period, up to T + 30 years or IND is required.</i></p>	Human Resources	T + 5 years	29 USC 1113 8 CCR 3204(d) (I) 29 CFR 516.5 29 CFR 1602.12, 1602.14, 1602.31, 1627.3, CA GC 12946, 12960, 34090, LC 1174, LC 1198.5
1631	Police MOU	City Clerk	P	29 CFR 516.5, 1602.12, 1602.14, 1602.31, 1627.3 GC 12946, 12960 LC 1174 CCP 337 GC §34090
1632	Police Severance SCEA Negotiation files	Human Resources	P	GC §34090
1633	Prevailing Wage Report	Human Resources	CY + 3 years	GC §34090
1634	Recruitment File - Inclusive of Application, Resumes, Flyer, Ad, Faxes, Recruitment, Personnel Requisition Form, PA Form.	Human Resources	SUP + 2 years	29 CFR 1602.12, 1602.14, 1602.31, 1627.3(a)(5)&(6), GC 12946, 12960, 34090 2 CCR 7287.0(c)(2)

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1635	Safety & Training Report	Human Resources	CY + 5 years	8 CCR §3203 et seq., LC §6429(c); 29 CFR 1627.3 GC 12946, 34090
1636	Safety Grants	Human Resources	CL+ 5 years, or After Funding Agency Audit	2 CFR 200.333 24 CFR 85.42 24 CFR 570.490 29 CFR 97.42 GC 34090
1637	Safety Inspection Reports	Human Resources	CY + 5 years	8 CCR §3203(b)(1), GC §34090 LC §6429c
1638	Safety Management Files	Human Resources	5 years	8 CCR §3203(b)(1), GC §34090 LC §6429c
1639	Safety Manual	Human Resources	SUP + 5 years	GC §34090
1640	Safety Quarterly Reports	Human Resources	CY + 5 years	29 CFR 1904.33 GC §34090
1641	Salary Schedules	Human Resources	ACT + 3 years	GC §34090.7
1642	Self-Insured Workers Compensation	Human Resources	SET + 30 years	8 CCR 10102; 3204(d)(1) et seq., 15400.2; GC §§12946, 34090 29 CFR 1910.1020
1643	Service Awards	Human Resources	P	GC §34090
1644	Settlement Release of Claim	Risk Management City Clerk	P	GC 34090 CCP 337
1645	Vision Benefit Files	Human Resources	ACT + 6 years	29 USC 1027 GC §34090
1646	Workers Compensation Claims Files - Report of Industrial Injury, Certificate of Compliance, Doctor's Report, Correspondence, Treatment Authorization, Employee Claim, Employer's Report,	Human Resources	SET + 30 years	8 CCR 10102 8 CCR §10103; 13204(d)(1) et seq., 15400.2; GC §§12946, 34090
1647	Cal OSHA File	Human Resources	CY + 5 years	29 CFR 1904.33

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1648	Class Compensation Studies	Human Resources	CY + 2 years	GC §12946, GC §34090, 29 CFR 516.6(2); 29 CFR 1602.14
1649	Pension Plan Quarterly Report	Human Resources	CY + 6 years	GC §34090
1650	Tax - Payroll	Human Resources/Acctg	CY + 6 years	26 CFR 31.6001-1 26 USC 6501(a), (c), (e) 26 CFR 1.6000-1 26 CFR 301.6501(a)-1, (c)-1, (e)-1 R&T19306, 19308, 19309, 19311 R&T §19530; 29 CFR 516.5 - 516.6, 29 USC 436, GC §34090
1651	Workers' Compensation Annual and Monthly Reports	Human Resources	CY + 5 years	GC § 34090
1652	Workers' Compensation Lifetime Medical Awards	Human Resources	P	8 CCR §10102; 13204(d)(1) et seq., 15400.2; GC §§12946, 34090
1701	Legal Opinions	City Attorney/Legal	P	GC § 34090
1702	Legal Pleadings	City Clerk	CL + 7 years	GC 34090

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1703	Legal Service Billings	Accounting	<p align="center">CL + 5 years</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	GC 34090
1704	Liability Management Files	Risk Management	CL + 7 years	GC 34090
1705	Litigation File - High Profile Settlement Agreements, Correspondence, Claims, Court Documents.	City Attorney, City Clerk, Risk Mgt.	CL + 7 years	GC § 34090 GC §§ 911.2, 945.6, 34090.6; PC §832.5
1706	Litigation File - Settlement Agreements, Correspondence, Claims, Court Documents.	City Attorney, City Clerk, Risk Mgt.	P	GC § 34090 GC §§ 911.2, 945.6, 34090.6; PC §832.5

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1707	Memo from City Attorneys	All Depts.	(minimum 2 years)	GC § 34090
1708	Request for Legal Services	All Depts.	Same as Retention of Case record or CY + 2 years	GC § 34090
1710	Subpoenas	City Attorney/Legal Individual Dept	Same as Underlying Litigation File	GC § 34090(d)
1711	Legal Files- Coastal	City Clerk	P	GC 34090
1712	Summons	Risk Management- All Originals	Same as Underlying Litigation File	GC § 34090(d)
1801	Activity Log File- First Aid, Rescues, Police, Weather, Maintenance, Lost & Found, Equipment, Checkout, Accident Prevention	Marine Safety	2 years	GC § 34090
1802	Annual Stats	Marine Safety	ACT + 2 years	GC § 34090
1803	Coastal Advisory Committee Files	Parks & Rec., Marine Safety	P	GC § 34090
1804	Coastal Permit	City Clerk	P	GC § 34090
1805	Lost and Found Log	Marine Safety	CY + 2 years	GC § 34090
1806	Maintenance Log	Marine Safety	CY + 5 years	GC § 34090
1807	Photos of Events - Significant Historical Value	Marine Safety	P	GC § 34090
1808	Photos of Rescues	Marine Safety	CY + 5 years	GC § 34090
1809	Plans of Real Property -Duplicates	Marine Safety	ACT + 0	GC § 34090.7
1810	Public Education Material Files - Power Point Presentations, Videos, Tapes, Overhead, Schedules, Books, Pamphlets, Flyers.	Marine Safety	SUP + 2 years	GC § 34090
1811	Reports - Beach & Parks	Marine Safety	CY + 2 years	GC § 34090
1812	Reports - County	Marine Safety	CY + 2 years	GC § 34090
1813	Reports - State land Commission	Marine Safety	CY + 2 years	GC § 34090
1814	Reports - US Lifesaving Association	Marine Safety	CY + 2 years	GC § 34090
1815	Sand Monitoring & Replenishment File	Parks & Rec	P	GC § 34090

Retention Abbreviations - ACT-Active, CL-Closed, CY-Calendar Year, DISC-Discontinued, P-Permanent, REV-Revised, SET-Settlement, SUP-Superseded, T-Terminated
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**City Of San Clemente
Record Retention Schedule**

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
1816	Studies & Surveys Marine Safety	Marine Safety	P	GC § 34090
1817	Text Books - Public Education	Marine Safety	When No Longer Required (non-records)	
1818	Topographic Maps Onshore/Offshore Duplicates	Marine Safety	None	GC § 34090.7
1819	Training/Employee Material Files - Power Point Presentations, Videos, Tapes, Overhead, Schedules, Books, Pamphlets, Flyers.	Marine Safety	SUP + 5 years	29 CFR 1627.3(b)(2); GC § 12946, GC § 34090
1820	Waivers - Event Participants Release of Liability	Marine Safety & Beaches, Parks & Rec	CY + 5 years or until minor reaches age 23	CCP 337, 340, GC § 34090
2101	Address Files - New Addresses	Building	P	GC § 34090
2102	Approved Maps & Drawings	Building	P	GC § 34090
2103	Architectural Permit Application Files Applications, Application Certification, Project Description Form, Environmental Checklist Form, Description of Environmental Setting Letter, Fees, Plans, Building Sample Materials Board, Illustrated and Colored Elevations, Photographs & Photographic Location Map, Property Owner List, Notification Radius Map, Notification Envelopes, Letters of Notification Certification.	Building	P	GC 34090 H&S §19850
2104	Building Plan Check Files - Permits, Inspection Records, Certificate of Occupancy, Surveys Certifications, Soils Reports, Plans, Letters of Notifications, Receipts, Refund Letters, Stop Work Notices, Code Violations, School Fee Payments, Compaction Report, Work Compensation, Homeowner Association Confirmation, Certificate of Compliance, Land Conveyance records, School Information, Studies, As-builts, Bid Set Plans/Drawings.	Building	P	H&S Code 19850, GC § 34090

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2105	Building Plans/Drawings	Building	P	H&S Code 19850, CBC 104.7 & 107, GC § 34090
2106	California 20-Day Notices	Building	Release	GC § 34090 et seq.
2107	Certificate of Insurance	Building	T + 5 years	CCP 337.15 GC 34090
2108	Contract Specifications	Building	P	CCP 337.15 CCP 338(k), 338(l), 338.1 GC § 34090
2109	Drawings/Plans - Asbuilts	Engineering	P	CCP 337.15 CCP 338(k), 338(l), 338.1 H&S 19850 GC § 34090
2110	Homeowners Association Confirmation Form	Building	P	GC § 34090
2111	Housing Program Developer Agreements & Letters	Building	P	GC 34090 24 CFR 570.502 24CFR 85.42 CCP 337 GC § 34090
2112	Land Donations Files - Option Agreement, Assignment to Non-Profit Org., Operating Agreement, Agreement with Non Profit Org., CC&R's.	Real Property Mgmt	P	CCP 337 GC 34090
2116	Refund Letters	Building	CY + 5 years	GC § 34090
2117	Repair Notices	Building	CL + 2 years	GC § 34090

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2118	Sign Exception Permit File - Application Certification Form, Project Description Form, Environmental Setting Letter, Misc. Project Information, Fee Receipts, Plans, Building Sample Material Boards, Illustrated and Colored Elevations, Photographs & Photographic Location Maps, Property Owner List, Notification Radius Owner List, Notification Radius Map, Notification Letter, Notification Certification.	Building	P	GC § 34090
2119	Site Plan Permit File - Application Certification Form, Project Description Form, Environmental Setting Letter, Misc. Project Information, Fee Receipts, Plans, Building Sample Material Boards, Illustrated and Colored Elevations, Photographs & Photographic Location Maps, Property Owner List, Notification Radius Owner List, Notification Radius Map, Notification Letter, Notification Certification.	Building	P	GC § 34090
2120	Site Plans	Building	P	GC § 34090
2121	Stop Work Notices Inspections	Building	CL	GC § 34090
2201	1603 Report - Agreement State Permit (Inclusive of Fulfillment of Conditions, Background Information).	City Clerk	P	GC § 34090
2202	401 Certification - State implementing a Federal action (Inclusive of Fulfillment of Conditions, Background Information).	Engineering	P	GC § 34090
2203	404 Permit - US Army Corps of Engineers (Inclusive of Fulfillment of Conditions, Background Information).	Engineering	P	GC § 34090
2204	Air Quality Issues and Plans	Engineering	P	GC § 34090
2207	Annexations - Boundary Changes	City Clerk/Planning	P	GC § 34090
2208	Archaeological Reports	Engineering	P	GC § 34090
2209	Assessment Files	Engineering	P	GC § 34090

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2210	Base Map	Engineering	P	GC § 34090
2211	Biological Report	Engineering	P	14 CCR 15095(c) GC § 34090
2212	Bonds- Subdivision Improvements	City Clerk Engineering	CL (Release)	CCP §§ 337 et seq; GC § 34090
2213	CEQA Permit	Engineering	P	14 CCR 15095(c) GC § 34090
2214	Certificate of Occupancy	Engineering	P	GC § 34090
2215	CIP (Capital Improvement Projects) - Telephone Logs, Meeting Minutes, Administration Reports/Council Actions, Agreements, Reference Documents, Surveys California 20-Day Notice, Permits, CEQA Change Orders, Budgets, Invoices, Payments, Design records, Inspectors Daily Report, Drawings, Submittals and O&M Manuals, Plans, Specifications, Addendums, Shop Project Schedules, Correspondence, Bidding Records, Warranties/Deficiencies, Certified Payrolls.	Engineering	P	GC § 34090 CCP §§ 337 et seq 14 CCR 15095(c)
2216	Coastal Development Permit Files - Application, Proof of Applicants Interest in the property, Assessor's Parcel Maps, Stamped Envelopes, Vicinity Maps, Project Plan, Site Plan, EIR's, EIS's, Negative Declarations, Permits, Approval Granted by agencies, Ecology or soils report, local approval of project Notice of Pending Permit.	Engineering City Clerks	P	14 CCR 15095(c) GC § 34090
2217	Compaction Reports	Engineering	P	GC § 34090
2219	Construction Plans Files - Master copy of Plans for CIP projects	Engineering	P	CCP 337 et seq. GC § 34090
2220	Drilling Permits	Engineering	P	CCP 337 et seq. GC § 34090
2221	Unassigned			

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2222	Unassigned			
2223	Encroachment Permit Application File- Application, Environmental Assessment Form, Plans/W/Checklist, Letter of Authorization (notarized), Letter of Request, Letter of Certification, Property Owner's List, Notification Radius Map, Notification Envelopes, Photographs.	Building Engineering	P	GC § 34090
2224	Engineering Administrative Files	Engineering	ACT + 3 years	GC § 34090
2225	Engineering Land Development Tract Files - Developer Checklist, Bonds, Joint Planning Authority records, Receipts for Development Fees, Administrative Reports, Planning Commission Agendas, Planning Commission Resolutions, Conditions of Approval, Subdivision Agreements, Grand Deeds, Quitclaims, Abandonment, Easements, CC&R's, Legal records, Documents from Attornys, Memorandum/Letters/Correspondence, Incoming and outgoing transmittals and faxes, Soils Reports, Engineering & Consultant reports, Hydrology & Traffic reports, Waterflow, Sewer Flow calculations, Storm Drain Reports, Construction Reports, Grading permits, and receipts for fees..	Engineering	P	GC § 34090 +F48114 CCR 15095(c)
2226	Environmental Impact Report - Transportation EIR	Engineering	P	14 CCR 15095(c) GC § 34090
2227	Field Notes - Inspection Daily Reports	Engineering	CL + 10 years	GC § 34090 CCP §337 et seq.
2228	Flood Control Files	Engineering	P	GC § 34090
2229	Geological Reports	Engineering	P	GC § 34090

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2230	Geotechnical Certification	Engineering	P	GC § 34090
2231	Grading Certification	Engineering	P	GC § 34090
2232	Grading Permit	Engineering	P	GC § 34090
2233	Grant Deeds/Quitclaims	City Clerk	P	GC § 34090
2234	Hydraulic Calculations	Engineering	P	GC § 34090
2235	Inventory-Storm Drains	Engineering	P	GC § 34090
2236	Lot Line Adjustment Filing Instruction (Variance)	Engineering	P	GC § 34090
2237	Pavement Calculations	Engineering	2 years	GC § 34090
2238	Permit - AQMD (Air Quality Management District)	Engineering	T + <u>5</u> years	GC § 34090, <u>40 CFR 70.6</u>
2239	Plans/Drawings (As-builts)	Engineering	P	CCP 337 et seq. CCP 338 et seq. GC § 34090
2240	Plans - Streets, Bridges, Corridors	Engineering	P	GC § 34090
2241	Plot Plans	Engineering	P	GC § 34090
2242	Receipts for development fees	Engineering	CY + 5 years	GC § 34090
2243	Regional Circulation Financing Phasing	Engineering	P	GC § 34090
2244	Repair Notices	Engineering	CY + 2 years	GC § 34090
2245	Soils Reports	Engineering	P	GC § 34090
2246	Specifications	Engineering	P	GC § 34090
2247	Staff Reports	Engineering	P	GC § 34090
2248	Standards File - General, Encroachment, Encroachment Permit, County, State, City.	Engineering	P	GC § 34090
2249	Stop Work Notices Inspections	Engineering	CY + 2 years	GC § 34090
2250	Storm Drain Files	Engineering	P	GC § 34090

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
2251	Street Plans	Engineering	P	GC § 34090
2252	Street Project Files	Engineering	P	GC § 34090
2253	Structural Calculations	Engineering	P	GC 34090
2254	Temporary Use Permit Application	Engineering	P	GC § 34090
2255	Tentative and Final Parcel Maps	Engineering	P	GC § 34090
2256	Tentative and Final Tract Maps	Engineering	P	GC § 34090
2257	Tract Files	Engineering	P	GC § 34090
2258	Traffic Counts	Engineering	SUP	GC § 34090
2259	Transportation Services	Engineering	P	GC § 34090
2260	Uniform Public Construction Cost Accounting Act	Engineering	Reference	
2261	Utilities	Engineering	P	GC § 34090
2262	Warranties/Deficiencies	Engineering	ACT+10 years	GC § 34090 CCP §337 et seq.
2263	Water & Sewerage Standards	Engineering	SUP	
2264	Water Files	Engineering	P	GC § 34090
2265	Construction Cost Estimates - Includes: Lists, Bonds, Joint Planning Authority records.	Engineering	CL Bond + 10 Years	CA Civil Proc 337 et seq. GC § 34090
2266	Assessment District Files	Engineering	P	GC § 34090
2267	Street Improvement Program (Framework)	Engineering	CY + 10 years	GC 34090
2268	Street Maintenance & Repair Log	Engineering	CY + 10 years	GC 34090
2269	Easements - Transportation	Engineering	P	GC § 34090
2270	Environmental Impact Report - Transportation EIR	Engineering	P	14 CCR 15095(c) GC § 34090
2271	Traffic Reports	Engineering	10 years	GC § 34090
2272	Traffic Studies	Engineering	10 years	GC § 34090
2273	Transportation Files	Engineering	P	GC § 34090

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2274	Building Plans - City owned property	Engineering	P	UBC § 106.4.2; H&S § 19850 GC § 34090
2275	Coastal Commission File	Engineering	P	GC § 34090
2276	Drawings - Site - Monitor Poles, Antennas, Fencing (Duplicates)	Engineering	P	GC § 34090
2301	Abandonment Files Include: Applications, Environmental, Assessment Form, Plans, Letter of Authorization, Letter of Request, Letter or Certification, Property Owner's List, Notification Radius Map, Notification Envelopes, Photographs.	Planning	P	GC § 34090
2302	Administrative Reports- Planning Commission, City Council and Zoning	Planning	P	GC § 34090
2303	Agenda - Planning Commission (Minutes to City Clerk)	Planning	2 years	GC §34090(d)
2304	Architectural Permit Application Files Applications, Application Certification, Project Description Form, Environmental Checklist Form, Description of Environmental Setting Letter, Fees, Plans, Building Sample Materials Board, Illustrated and Colored Elevations, Photographs & Photographic Location Map, Property Owner List, Notification Radius Map, Notification Envelopes, Letters of Notification Certification.	Planning	P	GC 34090
2305	Audio Tapes - Planning Commission Meeting	Planning	2 Years	GC §54953.5(b)

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
2306	Conditional Use Permit Application - Application, Application Certification Form, Project Description Form, Environmental Checklist Form, Description of Environmental Setting Letter, Letter of Intent, Copy of Check & Receipt, Correspondence, Plans, Building Sample Material Boards, Plans, Building Samples Material Boards, Illustrated and colored Elevations, Photographs & Photographic Location Map, Property Owner List, Notification Radius Map, Notification Envelopes, Letter of Notification Certification, Condition of Approval, Correspondence, Staff Reports, Minutes.	Planning	P	GC § 34090
2307	Conditions of Approval	Planning	P	GC § 34090
2309	Cultural Heritage Permit Files - Application Certification Form, Project Description Form, Environmental Checklist, Description of Environmental Checklist, Description of Environmental Setting Letter, Additional Project Information Letter, Fees, Plans, Building Sample Materials Board, Illustrated and Colored Elevations, Photographs and Photographic location Map, Property, Owner List, Notification Radius Map, Notification Envelopes, Letter of Notification Certification.	Planning	P	GC § 34090 14 CCR 15095(c)
2310	Development Agreements	City Clerk	P	CCP 337 et seq. CCP 338 et seq. GC § 34090

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2311	Development Allocation Application Files - Application Package, Development Plans, Grading Plans, Site Plans, Exterior Elevation, Building Sections, Roof Plans, Preliminary Grading, Landscaping Plans, Allocation Request, Parcel Information, Water Lines Plans, Sewer Plans, Drainage Plans, Traffic Report, Public School Fees, Conservation/Energy Plans, Public Parks Plans, Land Dedication, Financial Contributions, Public Safety (Fire/EMS/Police Plans, & Fees, Site Design/Architectural Treatment Plans, Environmental Impact Report, Senior Housing Plans, Affordable Housing, Trail/Greenbelt Plans, Public Benefiting Improvements.	Planning	P	GC § 34090 14 CCR 15095(c)
2312	Discretionary Sign Permit Application Certification Form, Project Description Form, Environmental Checklist, Description of Environmental Checklist, Description of Environmental Setting Letter, Additional Project Information Letter, Fees, Plans, Building Sample Materials Board, Illustrated and Colored Elevations, Photographs and Photographic location Map, Property, Owner List, Notification Radius Map, Notification Envelopes, Letter of Notification Certification.	Planning	P	GC § 34090
2313	Encroachment Permit Application File- Application, Environmental Assessment Form, Plans/W/Checklist, Letter of Authorization (notarized), Letter of Request, Letter of Certification, Property Owner's List, Notification Radius Map, Notification Envelopes, Photographs.	Planning	P	GC § 34090

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2314	Environmental Project Files - 401 Permit, 404, 1603	Planning	P	GC § 34090 14 CCR 15095(c)
2315	General Plan - Land Use	Planning	P	GC § 34090
2316	Historic Property Preservation Agreement Files - Application Form, Property Description, Application Certification, Photographs & Photographic Location Map, Public Noticing Requirements, Grand Deed, (copy) Preliminary Title Report (copy), Documentation of monthly maintenance costs for income earning property, Documentation for income earning property Documentation of monthly rental amount, or amount that property is expected to yield, fee receipts.	Planning	P	GC § 34090
2317	Land Use Amendments	Planning	P	GC § 34090
2318	Landscape Drawings	Planning	P	GC § 34090
2319	Lot Line Adjustment	Planning	P	GC § 34090
2320	Lot Merger	Planning	P	GC § 34090
2321	Material Boards	Planning	When No Longer Required (not records)	GC § 34090
2322	Minor Architectural Permit File - Application Certification Form, Project Description Form, Environmental Setting Letter, Misc. Project Information, Fee Receipts, Plans, Building Sample Material Boards, illustrated and Colored Elevations, Photographs & Photographic Location Map, Property Owner List, Notification Radius Owner List, Notification Radius Map, Notification Letter, Notification Certification.	Planning	P	GC § 34090

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2323	Minor Conditional Use Permit File - Application Certification Form, Project Description Form, Environmental Setting Letter, Misc. Project Information, Fee Receipts, Plans, Building Sample Material Boards, illustrated and Colored Elevations, Photographs & Photographic Location Mao, Property Owner List, Notification Radius Owner List, Notification Radius Map, Notification Letter, Notification Certification.	Planning	P	GC § 34090
2324	Minor Cultural Heritage Permit File - Application Certification Form, Project Description Form, Environmental Setting Letter, Misc. Project Information, Fee Receipts, Plans, Building Sample Material Boards, illustrated and Colored Elevations, Photographs & Photographic Location Mao, Property Owner List, Notification Radius Owner List, Notification Radius Map, Notification Letter, Notification Certification.	Planning	P	GC § 34090
2325	Minor Exception Permit File - Application Certification Form, Project Description Form, Environmental Setting Letter, Misc. Project Information, Fee Receipts, Plans, Building Sample Material Boards, illustrated and Colored Elevations, Photographs & Photographic Location Mao, Property Owner List, Notification Radius Owner List, Notification Radius Map, Notification Letter, Notification Certification.	Planning	P	GC § 34090

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2326	Minor Site Plan Permit File - Application Certification Form, Project Description Form, Environmental Setting Letter, Misc. Project Information, Fee Receipts, Plans, Building Sample Material Boards, illustrated and Colored Elevations, Photographs & Photographic Location Map, Property Owner List, Notification Radius Owner List, Notification Radius Map, Notification Letter, Notification Certification.	Planning	P	GC § 34090
2327	Notification Radius Map	Planning	P	GC § 34090
2328	Unassigned			
2329	Plan Check Log	Planning	P	GC § 34090
2330	Plan Review Comments	Planning	P	GC § 34090
2331	Planning Commission Packet File - Working papers include: Faxes, Draft Agendas to Planners, Draft Minutes to Planners, Agenda & Study Sessions, Minutes, Consent Calendar, Reports, A. B. D,E,F,G,H, New Business, Old Business, Tentative Future Agenda, Administrator meeting minutes, Plans for all Report/paycheck, Affidavit of posting, Agendas, Adjournment Notice Posting Adjournment Notice, Affidavit of Adjournment, Tapes.	Planning	2 years	GC § 34090
2332	Prop 218 Finance	City Clerk	P	GC § 34090
2333	Property Owner's List	Planning	CY + 2 years	GC § 34090
2334	Receipts for development Application	Planning	CY + 6	GC § 34090
2335	Sign Exception Permit	Planning	P	GC § 34090
2336	Specific Plan Amendment	Planning	P	GC § 34090
2337	Staff Waiver	Planning	P	GC § 34090
2338	Temporary Use Permit Application	Planning	T + 2 years	GC § 34090
2339	Tentative Parcel Map	Planning	P	GC § 34090
2340	Tentative Tract Map	Planning	P	GC § 34090

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2341	Tract Map Files	Planning	P	GC § 34090
2342	Use Permits	Planning	P	GC 34090
2343	Variances File - Includes: Application Certification Form, Project Description Form, Environmental Setting Letter, Misc. Project Information, Fee Receipts, Plans, Building Sample Material Boards, Illustrated and Colored Elevations, Photographs & Photographic Location Mao, Property Owner List, Notification Radius Owner List, Notification RadiusMap, Notification Letter, Notification Certification.	Planning	P	GC § 34090
2344	Audio Tapes of Planning Commission Meetings	Planning	2 years	GC § 34090
	DVD's of Planning Commission Meetings	Planning	1 year	GC § 34090
2345	Zoning & Planning Commission File	Planning	P	GC § 34090
2346	Zoning Amendment Application File - Includes: Application Certification Form, Project Description Form, Environmental Setting Letter, Misc. Project Information, Fee Receipts, Plans, Building Sample Material Boards, illustrated and Colored Elevations, Photographs & Photographic Location Mao, Property Owner List, Notification Radius Owner List, Notification RadiusMap, Notification Letter, Notification Certification.	Planning	P	GC § 34090
2347	Letter of Certification	Planning	P	GC § 34090
2348	Letter of Notification Certification.	Planning	P	GC § 34090
2349	Letters of Notifications	Planning	P	GC § 34090
2350	Aerials - GIS system	Planning	P	GC § 34090
2351	Aerials - Historical	Planning	P	GC § 34090

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2352	Construction Cost Estimates - Includes: Lists, Bonds.	Planning	CL Bond + 10 Years	CCP 337 et seq. CCP 338 et seq. GC § 34090
2401	Complaints Parking - STATS	Public Works - Parking	CY + 2 years	GC § 34090
2402	Compliant Tracking Log	Public Works - Parking	CY + 2 years	GC § 34090
2403	Daily Collection Sheet	Public Works - Parking	CY + 5 years	GC § 34090
2404	Deposit Slips	Accounting	CY + 5 years	GC § 34090
2405	Meter Deposit Log	Public Works - Parking	CY + 5 years	GC § 34090
2406	Metered Parking Permit	Utility Billing	ACT + 2 years	GC § 34090
2407	Monthly Report - Parking	Accounting	CY + 6 years When No Longer Required (copies / drafts)	GC § 34090.7
2408	Parking Meter Program File	Public Works - Parking	CY + 2 years	GC § 34090
2409	Residential Parking Permit	Utility Billing	ACT + 2 years	GC § 34090
2410	Statements - Bank Collection	Accounting	CY + 5 years	GC § 34090
2501	Beaches and Parks Maintenance File	Parks & Rec	CL + 5 years	GC § 34090
2502	Complaints	All City	CY + 3 years	GC §§945.6, 34090 CCP §§338 et seq., 340 et seq., 342
2503	Corporate Sponsorship Program Admin File	Parks & Rec	CL + 5 years	GC § 34090
2504	Drawings/Parks	Parks & Rec	P	GC § 34090
2505	Infrequent Rental Form for Events	Parks & Rec	CL + 2 years	GC § 34090
2506	Land Conservancy File	Parks & Rec	P	GC § 34090
2507	Landscape Maintenance Specifications	Parks & Rec	S	GC § 34090
2508	Master Plan Parks & Recreation	Parks & Rec	SUP + 5	GC § 34090
2509	Open Space & Facilities Classification Inventory	Parks & Rec	SUP	GC § 34090 et seq.
2510	Parks & Recreation Commission Files - Staff Reports	Parks & Rec	P	GC § 34090

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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
2511	Parks Acquisition & Development File	Parks & Rec	P	GC § 34090
2512	Proclamations/ Commendations/ Presentations	Parks & Rec	CY + 2 years	GC § 34090
2513	Public Information Relations File	Parks & Rec	CY + 2 years	GC § 34090
2514	Recreation Program Fee Schedule	Parks & Rec	CY + 2 years	GC 34090
2516	Rental Application	Golf, Parks, Library, Pier, Beaches departments	CY + 2 years	GC 34090
2517	Sign Administration File	Parks & Rec	CL + 2 years	GC § 34090
2518	Special Events Files	Parks & Rec	CL + 2 years	GC § 34090
2519	Tree Maintenance File	Parks & Rec	P	GC § 34090
2520	Wall of Recognition Admin File	Parks & Rec	P	GC § 34090
2521	Parks & Recreation Commission Files - Working papers	Parks & Rec	CY + 2 years	GC § 34090
2601	Acquisitions - Property	City Clerk	P	GC § 34090(a)
2602	Agreement - Land Donations	City Clerk	P	GC § 34090(a)
2603	Annexation Documents	City Clerk	P	GC § 34090
2604	Appraisals - Property	Real Property Mgmt	CL + 5 years	GC 6254(h) GC 34090
2605	City-Owned Property Inventory	Real Property Mgmt	SUP + 6	GC § 34090
2606	Condemnations	City Clerk	P	GC § 34090(a)
2607	Deeds, Quitclaim	City Clerk	P	GC § 34090(a)
2608	Federal & State Housing Requirements	Real Property Mgmt	CL + 5; or disposal of property + 5 years	GC 34090 24 CFR 570.502 24CFR 85.42
2609	Home Rehabilitation Program Owner Files	Real Property Mgmt	CL + 5; or disposal of property + 5 years	GC 34090 24 CFR 570.502 24CFR 85.42

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2610	Housing and Social Service CDGB Grants - Letters, Applications, Budget Committee, Copy of Grant.	City Clerk	CL + 5; or disposal of property + 5 years	<u>2 CFR 200.333</u> 24 CFR 85.42 24 CFR 570.490 29 CFR 97.42 GC 34090
2611	Housing Community File - Contract, Scope of Service, Extension, Award Letter, HCDBG Applications, HCDBG Monitoring Forms, Action Plan, Environmental Forms, Insurance, ADA Compliance, Reimbursement Request .	Real Property Mgmt	CL + 5; or disposal of property + 5 years	GC 34090 24 CFR 570.502 24CFR 85.42
2612	Lease Agreements - City Property	City Clerk	P	CCP 337.2 GC § 34090
2613	Lien Attachments- Property	Accounting	Release of Lien + 6	GC § 34090
2614	Lien Releases - Property	Accounting	CY + 6	GC § 34090
2615	Maintenance Agreements	City Clerk	CL + 5 Years	CCP 337
2616	Neighborhood Pride Improvement Programs	City Clerk	P	GC § 34090
2617	Owner Participation Agreements	Real Property Mgmt	P	GC 34090 CCP 337 et seq.
2618	Redevelopment Agency / Successor Agency - Non Profit Organizations	Real Property Mgmt	CL + 5	GC 34090 CCP 337 et seq.
2619	Redevelopment Agency (RDA) / Successor Agency Annual Report	Real Property Mgmt	P	GC 34090
2701	Accident Reports	Recreation Adm.	CL + 2 years	GC § 34090
2702	Applications - Events	Recreation Adm.	Event + 2 years	GC § 34090
2703	Contract/Agreement - Maintenance/Operations	City Clerk	CL + 5 Years	CCP 337 GC § 34090
2704	Inventory Equipment	Recreation Adm.	SUP	GC § 34090
2705	Newsletter- City	Recreation Adm.	CY + 2 years	GC § 34090
2706	Playground Equipment Audit	Recreation Adm.	CY + 6 years	GC § 34090
2708	Registration, and Waiver Form	Recreation Adm.	CL + 2 years	CCP 337, 340, GC § 34090
2709	Schedule of classes & events	Recreation Adm.	CY + 5 years	GC § 34090

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2710	Waivers - Events	Recreation Adm.	CL + 2 years	CCP 337, 340, GC § 34090
2801	1st Amendment to Joint Development Use Agreement	City Clerk	P	CCP 337 GC § 34090
2802	Agenda and Minutes - Redevelopment Agency (RDA) / Successor Agency Committee Meeting	City Clerk	P	GC § 34090
2803	Agreement Regarding Transfer of Real Property and Construction of Improvements	City Clerk	P	GC § 34090
2805	CC&R's	Planning	P	GC § 34090
2806	Resolution for Acceptance of Improvements and Release of Bonds	City Clerk	P	GC § 34090
2901	Accident Information Form	Risk Mgmt	Resolved + 5 years	GC §§ 911.2, 945, 34090 et seq. CCP §§ 337 et seq. 340,
2902	Accident Reports - City Assets	Risk Mgmt	Resolved + 5 years	GC §§ 911.2, 945, 34090 et seq. CCP §§ 337 et seq. 340,
2903	Certificate of Insurance	Risk Mgmt	T + 10 years	CCP 337 GC § 34090
2904	City Property Damage Report	Risk Mgmt	Resolved + 5 years	GC §§ 911.2, 945, 34090 et seq. CCP §§ 337 et seq. 340,
2905	Claims for Damages	Risk Mgmt	Resolved + 5 years	GC §§ 911.2, 945, 34090 et seq. CCP §§ 337 et seq. 340, PC §832.5
2906	Compensation Claim Activity Reports	Risk Mgmt	CY + 30 years (From the citation they used, I'm assuming these are workers compensation, not public compensation.)	8 CCR §3204(d)(1) et seq., 8 CCR 10102, 15400.2; GC §§12946, 34090

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2907	Hazard Training Guide	Risk Mgmt	SUP + 2 years	GC § 34090
2908	Liability Claims Audit	Risk Mgmt	CY + 5 years	GC § 34090
2909	Liability Insurance Questionnaire	Risk Mgmt	CY + 5 years	GC § 34090 CCP §337 et seq.
2910	Photographs - Claims	Risk Mgmt	Resolved + 5 years	GC § 34090 CCP § 337 et seq.
2911	Property Insurance	Risk Mgmt	T + 5 years	GC 34090 CCP 337 et seq.
2912	Safety Forms	Risk Mgmt	ACT + 5 years	GC § 34090 8 CCR 14300.33(a); 29 CFR 1904.33, 29 CFR 1904.44; LC §6429(c)
2913	Safety Manuals	Risk Mgmt	SUP + 5 years	GC § 34090
2914	Safety Quarterly Reports	Risk Mgmt	CY + 5 years	GC § 34090 8 CCR 14300.33(a); 29 CFR 1904.33, 29 CFR 1904.44; LC §6429(c)
2915	Settlement Agreement - Liability Claims	City Clerk	P	GC §34090 CCP §§ 337 et seq. 340 et seq.
2916	Settlement Agreement - Liability Claims involving a minor child.	City Clerk	P	GC §34090 CCP §§ 337 et seq. 340 et seq.
2917	Summons	Risk Mgmt	CL + 5 years	GC § 34090(d)
3001	Contract - Recycling	City Clerk	P	GC 34090 CCP §§ 337 et seq.
3002	Contract - Solid Waste Disposal	City Clerk	P	GC 34090 CCP §§ 337 et seq.

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3003	Daily Reports - Collection / Landfill	Sanitation	P	GC 34090 14 CCR 17379(a); 14 CCR 18660.8(d); 14 CCR 17414(b); 14 CCR 18810.4(a)(4); CCP §337 et seq.
3004	Green Waste Reports	Sanitation	10 years	GC 34090
3005	Lab Reports - Solid Waste	Sanitation	10 years	GC 34090
3006	Plans - Septic Tanks	Sanitation	P	GC 34090
3007	STATS	Sanitation	P	GC 34090
3101	Complaint - STATS	Streets & Maintenance	CY + 2 years	GC 34090
3102	Inventory Traffic Signals	Streets & Maintenance	CY + 10 years	GC 34090
3103	Lien Mechanic	Streets & Maintenance	Release + 3 years	CC 3144(a), 3147 GC § 34090
3104	Lien Release	Streets & Maintenance	CY + 3 years	CC 3144(a), 3147 GC § 34090
3105	Signage - Street & Traffic	Streets & Maintenance	P	GC 34090
3108	Streetscape Maintenance File	Streets & Maintenance	CY + 10 years	GC 34090
3109	Traffic Signals Maintenance File	Streets & Maintenance	CY + 10 years	GC 34090
3110	Street Striping Legend Painting - Contract	Streets & Maintenance	ACT + 10 years	CCP §337 et seq. GC § 34090
3201	Complaint File - Includes: STAT, Correspondence, Department Memos	Maintenance	CY + 2 years	GC 34090
3202	Daily Fuel Recovery Record	Maintenance	7 years	GC § 34090
3203	Diesel Tracking Report	Maintenance	7 years	23 CCR 2712(b) GC § 34090
3204	Drivers Proficiency Authorization	Maintenance	ACT + 5 years (from their citation, I'm assuming there are drug tests in this file)	49 CFR 382.401 GC § 34090

Retention Abbreviations - ACT-Active, CL-Closed, CY-Calendar Year, DISC-Discontinued, P-Permanent, REV-Revised, SET-Settlement, SUP-Superseded, T-Terminated
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Record Code	Record Type Includes all media types : Electronic, CD-Rom, Digital, Microfilm, Magnetic, Paper, Videotape, PowerPoint and Duplicates.	Office of Record	Retention Period	Jurisdiction & Citation Code
3206	Equipment Maintenance Records	Maintenance	CY + 6 years	GC 34090
3207	Facilities Electrical Maintenance File	Maintenance	CY + 6 years	GC 34090
3208	Facilities Maintenance Files	Maintenance	CY + 6 years	GC 34090
3209	Faxes	Maintenance	If not converted to be used as another record type CY + 2 years	GC 34090 et seq.
3210	Fuel Tank (Pump Station) File- Includes: Service Contracts, Correspondence.	Maintenance	7 years	23 CCR 2712(b) GC § 34090, H&S §25285(a)
3211	Fuel Tanknology Certificate	Maintenance & Utilities	7 years	23 CCR 2712(b) GC § 34090, H&S §25285(a)
3212	General Correspondence - Includes: Letters Re: Beaches & Parks & Complaints.	Maintenance	CY +3 years	GC §§945.6, 34090 CCP §§338 et seq., 340 et seq., 342
3213	Graffiti Log - Form Only	Maintenance	CY + 2 years	GC § 34090
3214	Litigation Video	Maintenance	CL + 7 years	GC § 34090
3215	Material Inventory	Maintenance	SUP + 6 years	GC 34090
3216	Motor Oil Tracking Sheet (Used Oil Disposal)	Fleet Maintenance	3 years	22 CCR 66266.130(c)(5), H&S §25250.18(b)(3), 25250.19(a)(2)(B) et seq.
3217	Self Monitoring Reports - Includes: Monthly Quarterly, Annual Reports, Request for Payment.	Maintenance	CY + 2 years	GC 34090
3218	STATS - Includes: Technician Notes, Correspondence, Memos	Maintenance	CY + 2 years	GC 34090
3219	Unassigned			
3220	STATS - Includes: Technician Notes, Correspondence, Memos	Maintenance	CY + 2 years	GC 34090
3221	Uniform Rental/Cleaning & Carpet Mats	Maintenance	CY + 2 years	GC 34090
3222	Unassigned			
3223	Vendor Files - Includes: Warranties, Contracts, Correspondence.	Maintenance	CL + 5 years	GC 34090 CCP 337 et seq.

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3224	Janitorial Services - includes work orders, inspection, repairs, cleaning, reports, and complaints.	Maintenance	CY + 2 years	GC 34090
3301	Easements - Transportation	City Clerk	P	GC § 34090
3304	Unassigned			
3401	Air & Water Quality Reports	Water	P	40 CFR 122.41.33(a), 122.44, 22 CCR 64470, CCP 388(1) GC 34090
3402	Applications - Meters in New Sub-Divisions	Water	CY + 3 years	GC 34090
3403	Attorney Correspondence, STATS, Technician Notes, Water Billing Records, Water Wastewater, Dept. Memos, Maps, Photographs	Water	P	GC 34090
3404	Auto Pay Reports	Water	CY + 2 years	GC 34090
3405	Catch Basin File - Includes: STATS, Invoices.	Water - Wastewater	CY + 2 years	GC 34090
3406	City Underground Storage Tank Files	Water	P	23 CCR 2712(b) GC § 34090
3407	Claim File - Claim for Damages, STAT, Correspondence	Water	CL + 5 years	GC 34090 CCP 337 et seq.
3408	Complaint Files - Copy of Water Bill, Complaint Form, Request for Payment, STAT	Water	CY + 3 years	GC §§945.6, 34090 CCP §§338 et seq., 340 et seq., 342
3409	Contracts - Recycling	Water	P	GC 34090 CCP §337 et seq.
3410	Correspondence	Water	CY + 2 years	GC 34090
3411	High Use Letters - Includes: Electronic copies of letters generated monthly.	Water	CY + 2 years	GC 34090

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3412	Hydrant Meter Application	Water	ACT + 2 years	GC 34090
3413	Hydrant Meter Files - Includes: Hydrant meter applications, receipt copies, check copies, correspondence, monthly invoice, request for payment.	Water	ACT + 2 years	GC 34090
3414	Lab Reports - Drinking Water (includes lead & copper, organics, and chemicals)	Water	12 years	GC 34090 40 CFR 141.33(a), 141.91, 792.195; 22 CCR 64400.25; 22 CCR §64470
3415	Month End Reports	Water	10 years	GC 34090 40 CFR 141.33(a), 141.91, 792.195; 22 CCR 64400.25; 22 CCR §64470
3416	Notice of Disconnects	Water	ACT + 2 years	GC 34090
3417	Program Files / Storm Water , - Includes: Annual Reports, NPDES Annual Report.	Water	3 years	40 CFR §§122.21, 122.41, 122.44 GC 34090
3418	Regional Water Quarterly Report	Water	P	GC 34090
3419	Reservoirs/Wells/Pump Station/ Booster Station/Basins/Landfill Mainline Files - Includes: City Memos, Invoices, Request for Payments, Contracts, Maintenance Correspondence.	Water	P	GC 34090
3420	STATS / Utilities Service Call	Water	CY + 2 years	GC 34090
3421	Storm Drain Reports	Water	3 years	40 CFR §§122.21, 122.41, 122.44 GC 34090
3422	Urban Runoff	Water	3 years	40 CFR §§122.21, 122.41, 122.44 GC 34090
3423	Urban Runoff - Report	Sanitation	3 years	40 CFR §§122.21, 122.41, 122.44 GC 34090
3424	Utility Bills	Accounting	Audit + 4 Years	GC 34090

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3425	Wastewater Files - Includes: Discharge Permit, Pre-Treatment Reports, Lab Reports, Wastewater monitoring reports.	Water	3 years	40 CFR §§122.21, 122.41, 122.44 GC 34090
3426	Wastewater, Seasonal Storage and Purchased Water Reports. Includes: Monthly, Quarterly, Annual Reports, Request for payment.	Water	3 years	40 CFR §§122.21, 122.41, 122.44 GC 34090
3427	Water Quality Reports- Includes: Monthly, Quarterly, Request for payment. Annual Report	Water - Engineering - Water Quality	12 Years P	GC 34090 40 CFR 141.33(a), 141.91, 792.195; 22 CCR 64400.25; 22 CCR §64470
3428	Water Audits - Includes: Inspection Forms	Water	10 years	40 CFR 141.33(a), 141.91, 792.195; 22 CCR 64453(b) et seq.; 22 CCR 64692
3429	Water Maintenance Meters & Water lines STATS	Water	P	GC 34090
3430	Water/Wastewater Budgets	Water	When no longer required (copies)	GC 34090.7
3431	Water/Wastewater Permits	Water	P	GC 34090
3432	Work Orders	Water	P	GC 34090 CCP §§338 et seq., 340 et seq., 342, GC §§945.6
	DMV Pull Notices	Human Resources	SUP or T	GC §§12946, 34090
	Uniform Codes (CBC UBC, CPC, UEC, etc.)	Building	P	GC § 50022.6
	Sanitary Surveys	Engineering	10 years	40 CFR 141.33c
	Speed Surveys	Engineering	15 years	GC § 34090
	Underground Service Alerts (USAs)	Engineering	3 years	CCP §337 et seq., GC §§4216.2(d) & 4216.3(d), 34090
	Backup Tapes for computer systems	Information Technology	SUP	GC § 34090

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	Home Rehabilitation Program Owner Files - WITH a Recapture or Resale Restriction	Real Property Mgmt	CL of Affordability Period + 5; or CL+ 5 years, whichever is longer	GC 34090 24 CFR 85.42, 92.508(a)(c)(2) & 570.502(b), 29 CFR 97.42
	Housing Community File - WITH a Recapture or Resale Restriction - Contract, Scope of Service, Extension, Award Letter, HCDBG Applications, HCDBG Monitoring Forms, Action Plan, Environmental Forms, Insurance, ADA Compliance, Reimbursement Request .	Real Property Mgmt	CL of Affordability Period + 5; or CL+ 5 years, whichever is longer	GC 34090 24 CFR 85.42, 92.508(a)(c)(2) & 570.502(b), 29 CFR 97.42
	MSDS Masters	Streets & Maintenance	30 years	8 CCR 3204(d)(1)(B)(2 and 3), GC §34090
	SSOs (Santuary Sewer Overflows)	Streets & Maintenance	3 years	40 CFR 122.41(j)(2); SWRCB Order 2006-03; 40 CFR 122.41(j)(2); GC §34090
	Backflow - Cross Connection (Drinking Water)	Water	5 years	GC 34090; 17 CCR 7605
	Complaint Files - Water Quality / Outages (odor, color, etc.)	Water	5 years	GC §, 34090 22 CCR 66470
	Spills / Unauthorized Discharges	Water	3 years	40 CFR 122.41(j)(2); 40 CFR 141.33(b); 22 CCR 64470
	Vulnerability Report (highly confidential)	Water	Superseded + 5 years	42 USC 300i-2 (c) GC 34090

*None of the records described herein shall 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.