

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Kathy Flamson, City Clerk
DATE: September 20, 2016
SUBJECT: Consideration of a Resolution Rescinding Resolution No. 92-14 and Adopting a new City-Wide Records Retention Schedule

APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

1
2 **ISSUE:** Consideration of a Resolution Rescinding Resolution No. 92-14 and Adopting
3 a new City-Wide Records Retention Schedule.

4
5 **RECOMMENDATION:** Adopt Resolution
6

7 **BACKGROUND/DISCUSSION:** On February 4, 1992, the City of Calistoga created a
8 policy for the City-Wide Records Retention and Disposition, Resolution 92-14. There
9 have been no further updates or clarifications to this Resolution since that date.

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11 Calistoga selected Gladwell Governmental Services, Inc., an expert in local government
12 records, to upgrade its records management program. An upgrade in the existing
13 program was necessary to reduce current and future records storage costs, eliminate
14 duplication of effort, increase efficiency and take advantage of current technology and
15 changes in law.

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17 The upgrade of the current records management systems are driven by many factors,
18 including:

- 19 • Very limited space in City facilities - Many Departments reported they are
20 out of space to store their records.
 - 21 • Many departments are filing and storing copies of the same records
 - 22 • Calistoga produces and manages many permanent records
 - 23 • Escalating records storage expenses
 - 24 • Technology advancements
 - 25 • Changes in law
- 26

27 The purpose of the program is to apply efficient and economical methods to the
28 creation, utilization, maintenance, retention, preservation and disposal of all records
29 managed by the City.

30
31 The retention periods are in compliance with all laws and are standard business
32 practice for California cities.

33
34 The new retention schedules were written interactively with representatives from all
35 departments participating in the project. They provide clear, specific records
36 descriptions and retention periods, and apply current law and technology to the
37 management of Calistoga's records. By identifying which department is responsible for
38 maintaining the original record, and by establishing clear retention periods for different
39 categories of records, Calistoga will realize significant savings in labor costs, storage
40 costs, free filing cabinet and office space, and realize operational efficiencies.

41
42 It is standard business practice for California cities to authorize the routine destruction
43 of records that have exceeded their adopted retention period, upon the request of the
44 Department Head and with the consent in writing of the City Clerk and City Attorney,
45 which is provided in Section 2 of the resolution.

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47 It is also standard business practice for California cities to authorize updates to the
48 schedule without further action of the City Council, which is provided in Section 3 of the
49 resolution

50
51 **COUNCIL GOALS:** Goal 2: Offer excellent professional services to all customers.
52 Priority Project 4. Adopt a City file archive and retention system, prepare a schedule for
53 each department and implement system.

54
55 **FISCAL IMPACT:** Calistoga will realize significant savings both in labor and storage
56 expenses; including the avoidance of future storage and/or construction costs.

57
58 **ATTACHMENTS:**
59 1. Draft Resolution
60 2. Resolution 92-14
61 3. Draft Records Retention Schedule
62 4. Notice of Intent to Destroy Scheduled Records and Disposal Certificate NOTE:
63 This is a procedure, and not normally presented to the Council.

RESOLUTION NO. 2016-XXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, RESCINDING RESOLUTION
NO. 92-14 AND ADOPTING A NEW CITY-WIDE RECORDS RETENTION
SCHEDULE**

1 **WHEREAS**, the declared purpose of this Resolution is to provide direction to City
2 Officials, employees, contractors, and volunteers for the proper and efficient
3 management of City of Calistoga records consistent with the requirements of State Law
4 including California Government Code Section 6250 et seq. "Public Records Act"; and
5

6 **WHEREAS**, California Government Code Section 34090 et seq. sets forth certain
7 legal requirements relating to the retention of certain municipal records and provides a
8 procedure whereby City records that have served their purpose and are no longer
9 required may be destroyed with the consent of the City Attorney; and
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11 **WHEREAS**, the City Council approved the prior records retention schedule by
12 Resolution No. 92-14 dated February 4, 1992; and
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14 **WHEREAS**, the current records retention schedule has become outdated since
15 1992 and does not reflect the current departmental arrangements within the current City
16 government; and
17

18 **WHEREAS**, the City Clerk and City Attorney find the attached Records Retention
19 Schedule complies with Federal and State statutes; and
20

21 **WHEREAS**, the new City-wide Records Retention Schedule is based on the
22 California Secretary of State's "Local Government Records Management Guidelines" to
23 the extent that the Guidelines apply to City Departments or City records and will
24 facilitate the orderly and efficient transfer, retention, and disposition of records of the
25 City of Calistoga in a responsible timely manner; and
26

27 **WHEREAS**, adoption of the new Calistoga Records Retention Schedule fulfills
28 the purpose of Section 34090 et seq. of the California Government Code; and
29

30 **WHEREAS**, it has been recommended that a new City-wide Records Retention
31 Schedule be adopted providing for the retention and destruction of records from all City
32 of Calistoga Departments. The new City-wide Records Retention Schedule is attached
33 and incorporated into this resolution as Exhibit A; and
34

35 **NOW, THEREFORE BE IT RESOLVED:**
36

37 **Section 1.** Resolution Number 92-14 is hereby rescinded.
38

39 **Section 2.** The records of the City of Calistoga, as set forth in the Records

40 Retention Schedule Exhibit A, attached hereto and incorporated herein by this
41 reference, are hereby authorized to be destroyed as provided by Section 34090 et seq.
42 of the Government Code of the State of California and in accordance with the provision
43 of said schedule upon the request of the Department Head and with the consent in
44 writing of the City Clerk and City Attorney, without further action by the City Council of
45 the City of Calistoga.

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47 **Section 3.** With the consent of the City Clerk, City Manager, and City Attorney,
48 updates are hereby authorized to be made to the Records Retention Schedule without
49 further action by the City Council.

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51 **Section 4.** The term “records” as used herein shall include documents,
52 instructions, books, microforms, electronic files, magnetic tape, optical media, or
53 papers; as defined by the California Public Records Act.

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55 **Section 5.** The City Clerk shall certify to the passage and adoption of this
56 resolution and enter it into the book of original resolutions.

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58 **Section 6.** This resolution shall become effective immediately upon its passage
59 and adoption.

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61 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at
62 a regular meeting held this **20th day of September, 2016** by the following vote:

63
64 **AYES:**
65 **NOES:**
66 **ABSTAIN:**
67 **ABSENT:**

68
69
70 _____
71 **CHRIS CANNING, Mayor**

72 **ATTEST:**

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74
75 _____
76 **KATHY FLAMSON, City Clerk**
77

RESOLUTION NO. 92-14

**POLICY RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA,
CREATING POLICY FOR THE CITY-WIDE
RECORDS RETENTION AND DISPOSITION**

WHEREAS, Records Management deals with the creation, processing, maintenance, protection, retrieval, retention, preservation and disposition of recorded information required for the operation and continuance of government operations; and

WHEREAS, records disposition management is a paperwork management technique aimed at the systematic, timely and effective disposal or removal of obsolete or inactive records from expensive office space and the effective, but economical preservation of permanent value; and

WHEREAS, Government Code Section 34090 provides that with the approval of the legislative body by resolution and the written consent of the City Attorney, the head of a City department may destroy City records under the Department Head's charge without making a copy thereof after the same is no longer required unless otherwise required by statute; and

WHEREAS, Section 34090.7 of the Government Code provides that the legislative body of a city may prescribe a procedure under which duplicates of city records less than two years old may be destroyed if they are no longer required; and

WHEREAS, the City Council wishes to establish a City-Wide Records and Disposition Program.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Calistoga, State of California, as follows:

Section 1. Policy Resolution No. 92-14 as adopted
February 4, 1992, is hereby adopted.

Section 2. Policy for destruction of duplicate records less than two years old is hereby established as follows:

(a) The head of a City department is hereby authorized to destroy a duplicate of a City-record, document, instrument, book or paper under the Department Head's charge which is less than two years old ("record") without making a copy therefore when the Department Head determines that the record is no longer required or useful for the City or historical purposes.

(b) Duplicate records which are the subject of this resolution include, but are not limited to, chronological, reading, reference, and backup files, for which the original record is retained pursuant to requirements of the Government Code.

(c) No further authorization need be obtained for the destruction of such duplicate records less than five years old.

Section 3. The City-Wide General Records Schedule attached hereto and made a part hereof is hereby adopted. This Schedule sets forth the office of record and minimum retention requirements for records City-wide. This general schedule may be further defined by submission and approval of individual department Records Retention and Disposition Schedules.

Section 4. The Records Retention Schedule and Disposition Schedule for records maintained by the City Clerk's Office approved as attached hereto.

Section 5. The records Retention and Disposition Schedule for records maintained by the City Administrator's Office approved as attached hereto.

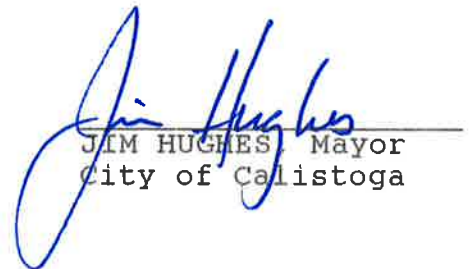
Section 6. The Records Retention and Disposition Schedule for records maintained by the Finance Department's Office approved as attached hereto.

PASSED AND ADOPTED at a regular meeting this 4th day of February, 1992, by the following vote of the Calistoga City Council:

AYES: Councilmembers Maxfield, Oyarzo, Beck, Marberry and Mayor Hughes.

NOES: None

ABSENT/ABSTAIN: None


JIM HUGHES, Mayor
City of Calistoga

ATTEST:


PATT OSBORNE, City Clerk
City of Calistoga