CHAPTER ONE. ORGANIZATION, FUNCTONS AND GENERAL PROVISIONS

Subchapter 1.07: Records Retention Policy

1.07.010 Background and Findings.

a. California Government Code Section 34090, et seq., authorizes the destruction of certain public records;

b. Record-keeping requirements are set forth in a number of different, federal and state laws regulating, for example, employment, taxes, insurance, occupational safety, public works, police, worker's compensation injuries or illnesses, and individual rights of privacy; and

c. The retention of obsolete or useless records is an unnecessary cost and burden to the Town; and

d. The City Council desires to establish a process and schedule for maintaining and retaining records; and

e. The City Council also desires to establish a process and system for routine destruction of records and working papers that are no longer needed for administrative, legal, fiscal, historical or research purposes.

[*History*: Res. 2003-17, 4/16/03]

1.07.020 Purpose and Use.

A retention schedule is the Town's legal authority to receive, create, retain, and dispose of official public records. It assists the Town by documenting which records require office or temporary storage, which records have historic or research value, and which records should be destroyed because they no longer have any administrative, fiscal, or legal value. A retention schedule sets forth the Town's "normal course of doing business".

[*History*: Res. 2008-51, 9/10/08]

1.07.030 Definitions.

As used in this subchapter, the following terms shall have the respective meanings shown.

"Non-record" means material not usually included within the definition of a public record, such as copies of documents kept only for convenience or reference, working papers and drafts where a final version exists, stocks of publications and processed documents, and library or museum material intended solely for reference or exhibition.

"Public record" means any writing or record relating to the conduct of the public's business that was prepared, owned, used, or retained by the Town, regardless of form or physical characteristics. Email and tape recordings are considered public records.

"Record" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

"Retention Schedule" means a list of all records produced or maintained by an agency and the actions taken with regards to those records. The Retention Schedule identifies the types of records used and managed by a particular department, how long that information needs to be retained in the office and/or offsite, and when, if ever, it may be destroyed.

[*History*: Res. 2008-51, 9/10/08]

1.07.040 Retention Schedule.

a. The City Manager shall be responsible for the City Records

Management Program. The City Manager may amend any Retention Schedule identified in this resolution by re-assigning a series of records to a different section or department, provided that the retention periods are not altered.

b. The head of each department shall be and hereby is instructed to maintain and destroy public records in accordance with their respective departmental Retention Schedules listed in the next paragraph. A public record may not be destroyed without the prior written approval of the City Attorney.

c. The following Record Retention Schedules, which are attached to this Subchapter and incorporated by this reference, are hereby approved and adopted:

1. All Departments, 9/10/2008;

2. City Clerk, 9/10/2008;

3. City Attorney, 9/10/2008;

4. City Manager, 9/10/2008;

5. Human Resources, 9/10/2008;

6. Finance, 9/10/2008;

7. Planning, 6/13/2007;

8. Police, 9/10/2008;

9. Public Works, 7/11/2007; and

10. Recreation, 9/10/2008.

[*History*: Res. 2003-17, 4/16/03; 2007-37, 7/11/08; Res. 2008-51, 9/10/08]

1.07.050 Exceptions.

This Resolution does not authorize the destruction of:

a. Records affecting title to real property or liens thereon;

b. Court records;

c. Records required to be kept by statute;

d. Records less than two years old;

e. Minutes, ordinances, or resolutions of the city council or of any city board or commission;

f. Records relevant to any civil or criminal litigation pending, threatened or anticipated at the time of the proposed destruction.

[*History*: Res. 2003-17, 4/16/03]

1.07.060 Procedure for Destroying Records

a. Before destroying any records, the Department Head shall submit a written request to the City Attorney describing the specific records to be destroyed and the citation to the Retention Schedule authorizing destruction. The City Attorney shall withhold consent to the destruction of any record which the City Attorney believes in good faith may be relevant evidence in any litigation or investigation which is pending, threatened or anticipated at the time of the request for destruction or which may be protected from destruction by the provisions of this resolution.

b. Any exceptions for destroying records that are not in accordance with the approved Retention Schedules are subject to approval by the City Council.

[*History*: Res. 2003-17, 4/16/03]

1.07.070 Biennial Review

The Retention Schedules are to be reviewed every even-numbered year by the City Manager and City Attorney and they shall submit any proposed changes to the City Council for approval.

[*History*: Res. 2003-17, 4/16/03; Res. 2008-51, 9/10/08]

1.07.080 Council Members' and Treasurer's Records

a. Copies of public records maintained by Council members and the City Treasurer to assist them in performing their job functions are convenience copies of public records maintained by the Town, and are deemed to be "non-records" under these policies.

b. Each public record that is maintained by an individual Council member or by the City Treasurer, including communications addressed to an individual Council member or group of members or to the City Treasurer, but excluding non-records and documents which do not meet the definition of a public record, shall be subject to the retention policies set forth in the Colma Administrative Code, subchapter 1.07.

c. On leaving office, a Council member or the City Treasurer shall deliver all public records, other than convenience copies, to the City Clerk for retention or disposition in accordance with Colma Administrative Code, subchapter 1.07, and shall destroy, or deliver to the City Clerk for destruction, all convenience copies of public records.

[*History*: Res. 2003-17, 4/16/03; Res. 2008-51, 9/10/08]

1.07.090 Using Retention Schedules

a. Each row of the Retention Schedule describes the retention for a particular record series. When reading a Schedule, the reader should move one row, or series, at a time from left to right across the table. The column titles are defined and explained as follows:

SERIES NO. means a unique letter and number code assigned to each group of records with similar business functions and retention requirements (series) within a department. They aid in researching information and may be used as a tool to cross reference data in an active file database. Grouping several file types with similar business functions and retention will aid in transferring files to offsite storage.

The numbering system includes an abbreviation of the department name and record series number within the department.

SECTION means a functional area of the Department holding the record. It could be a division.

CATEGORY/DESCRIPTION means the general description of a group of records with similar business functions and retention requirements. As records are generated, they may not be listed separately by document name; they should fit into the series as listed in the Schedule. The first line is the category of the group of records, for example: logs, reports, employee files. The following line(s) list the *type(s)* of the records covered by the series, if applicable. If the series represents a file that *contains* different kinds of records, the following lines list the kinds of records that a file might contain.

OFFICE means the required amount of time a record is to be maintained in the office or site for business purposes. After that amount of time, the record may be transferred to inactive offsite storage.

OFFSITE means the required amount of time that the records in the series be retained in offsite storage which is in addition to the office storage time.

TOTAL RETENTION PERIOD means the total legally required (by approval of the Retention Schedule) amount of time to retain the records in the series. The total retention period is the sum of the *Office* and *Offsite* columns. Records may move from the office to offsite storage sooner than recommended, but the information must be retained for the total time.

HISTORICAL indicates whether or not the records of the series are historical. *Yes* means that the information is historical: *No* means that it is not historical. Historical records typically provide documentation of significant historical events. Examples include documentation of the City's origin, policies, photographs and other material that may be valuable to researchers. In some instances, a sample will be taken to demonstrate the history rather the inclusive record. If a record series is historical, the retention period should be permanent or *PERM*. *Review for Historical Value* indicates that it is allowable to keep some of the records for historical reasons, for example, a particular contract or study.

VITAL indicates whether or not the records of the series are vital. *Yes* means that the information is vital: *No* means that it is not vital. Vital records contain information necessary for the continuation of the City's day-to-day operations in the event of a disaster or provide the legal basis for the City's existence and establish the policies that direct its operation. If it is vital, then a duplicate copy must be stored offsite as a backup in the event of a disaster. The Vital Records Program will indicate how to protect the vital record.

REGULATION refers to the law, regulation or policy that determines how long the records in the series are to be kept. Most commonly, *GC 34090* (Section 34090 of the California Government Code), which specifies a minimum of two years, governs the retention of City records. If the Department's decision is to keep the record longer than the legal requirement, *Department Policy* is listed. The Department should be able to make a good business case for why any records should be retained longer. *Attorney Opinion* indicates that the retention requirement was established pursuant to the opinion of the City Attorney based on research, past litigation history, and/or the potential for future litigation.

REMARKS means general comments about the information in the series. If the remarks indicate that the records in the series are *confidential*, they should be clearly marked as such and treated in a manner that protects the information from disclosure. This information is protected throughout its life cycle, from creation through disposition and should be shredded when destroyed.

b. Here are the definitions and explanations of the retention terminology used in the Office, Offsite and Total Retention Period columns:

CUR + means to retain for the current calendar year plus the number of years indicated. The retention period begins the first day of the following calendar year. For example, Cur+2 means that any record created within the year 2000 is kept for the rest of that year (2000) and the following two years, 2001 and 2002. The record would be eligible for disposal on January 1, 2003.

PERM means to retain the record permanently, usually for legal or historical reasons.

TERM means to retain for the term of the document or transaction (often contracts or permits).

SUPERSEDE to retain until the record in the series is replaced by a newer version.

c. *All Departments Retention Schedule*

The All Departments Records Retention Schedule has been developed for departments to retain common records used throughout the City for a consistent period of

time. These Town-wide

d. *Department Retention Schedules*

Every Town department has its own Retention Schedule that defines the parameters for the records that it generates or retains as the legally responsible custodian or record owner. Retention Schedules are created and revised in conjunction with the RIM Program and departmental representatives, and approved by the City Attorney and the City Council. The Retention Schedule becomes the legal basis for the maintenance of the departmental records and must be adhered to. Should the departmental need change, then the schedule should be revised; individuals should not keep records longer than required. If an exception such as a court case arises, the department head will request an official extension of the retention on a specified group of records.

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[*History*: Res. 2008-51, 9/10/08]

1.07.100 Non-Records

a. The City Manager may prepare Non-Records Guidelines to serve as a reference tool listing common duplicate documents and other types of non-records.

b. Duplicate copies of public records may be retained only as long as needed in day-to-day business, but no longer than the retention period given to the official copy. An employee should destroy duplicate copies of public records when no longer needed.

c. A Department Director may authorize destruction of other types of non-records at any time without approval of the City Attorney.

[*History*: Res. 2008-51, 9/10/08]