



City of Chula Vista

Staff Report

File#: 18-0117, **Item#:** 1.

ORDINANCE NO. 3422 OF THE CITY OF CHULA VISTA RESCINDING SUBSECTION 2.25.230(C) OF THE CHULA VISTA MUNICIPAL CODE PERTAINING TO THE RECORD RETENTION POLICY FOR AUDIO RECORDINGS OF BOARDS AND COMMISSION MEETINGS (SECOND READING AND ADOPTION)

RECOMMENDED ACTION

Council adopt the ordinance.

SUMMARY

Adoption of the resolution would implement a revised Citywide Records Retention Schedule (Retention Schedule) to improve and update the existing Records Management Program. Adoption of the ordinance would modify the Municipal Code to remove reference to the retention policy for audio recordings of Board and Commission meetings in the Municipal Code, as the retention policy of those records has been consolidated with and accounted for in the revised Retention Schedule.

ENVIRONMENTAL REVIEW

Environmental Notice

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Environmental Determination

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

BOARD/COMMISSION RECOMMENDATION

Not Applicable

DISCUSSION

Background

One of the primary purposes for records management is to ensure that information is available when it is needed. To do this efficiently and thoroughly, records must be identified, organized, maintained for the requisite number of years, and then archived for permanent retention or documented when destroyed. Records management encompasses all the record-keeping requirements that allow an organization to establish and maintain control over information flow and administrative operations,

seeking to control and manage records through the entirety of their lifecycle, from creation to final disposition. Benefits of a sound records management program include improving customer service, increasing staff efficiency, allocating scarce resources, and providing a legal foundation for how an agency manages its information.

A records management program is comprised of policies and procedures that govern the maintenance, retention, preservation, and disposition of all city records, based on federal and state statutes governing public records.

Chula Vista's Citywide Records Management Program

Chula Vista's Citywide Records Management Program (Records Management Program) was established in 1994. An update to the program is necessitated by changes in records-related statutes, changes in the types of records maintained by the City, evolving technology, and the need to reduce current and future records storage costs, eliminate duplication of effort, increase efficiency and take advantage of current technology.

Step 1: Updated Records Retention Schedule

Updating the Retention Schedule is the first step in a staged implementation of a fully updated Records Management Program. The Retention Schedule applies efficient and economical methods to the creation, utilization, maintenance, retention, preservation and disposal of all records. It provides the length of time records must be retained based on statute or the preference of the City, whichever is longer.

When approved, the Retention Schedule becomes the legal authority for the agency to dispose of official public records when they reach the end of their useful life. Destruction of records that are no longer relevant or legally required is necessary because records retained beyond their value add to additional costs and logistics of storage and could extend the City's legal liability in the event of adverse litigation.

Government Code Section 34090 allows for the destruction of many City records that meet certain requirements. However, not all records fall within the ambit of section 34090. Records **not** authorized for destruction by this code section include:

- Records affecting the title to real property of liens thereon;
- Court records;
- Records required to be kept by statute;
- Records less than two years old; and
- The minutes, ordinances or resolutions of the legislative body or of a city board or commission.

With input from all City departments, City Clerk staff has been working over the last two years to update the Retention Schedule. An appraisal of the legal, administrative, fiscal and historical value of the records was performed. Along with legal requirements, the recommendations in the Retention Schedule have been developed based on retention guidelines used by state archival agencies, other municipalities and professional organizations, and input from City staff. The Retention Schedule identifies those records of both permanent and short-term value and provides for their orderly preservation and disposition. The Retention Schedule also ensures the permanent retention of those

City records with archival/historical value.

The proposed Retention Schedule provides clear, specific records description and retention periods and applies current law to the management of the all City records. It provides a level of protection so that no record is destroyed prematurely and that valuable and vital records are maintained in compliance with legal requirements and standard organizational practices.

The updated Retention Schedule is organized such that:

- Records are sorted into major categories, which are each assigned a series number, enabling staff to implement more efficient filing systems
- Clear retention periods are established for each category
- Departments responsible for maintaining an original record are identified, which enables staff to dispose of redundant copies and reduce inventory in offsite records storage facilities

Staff anticipates that the City will eventually realize significant savings in labor costs, storage costs, filing cabinet and office space, and operational efficiencies.

Currently, the retention of audio recordings of board and commission meetings is provided for in Chula Vista Municipal Code subsection 2.25.230(C), which calls for recordings to be erased after the minutes of the meeting have been approved or, in the case of a public hearing, after one year. The updated records retention schedule provides for the retention of these recordings and is proposed for an increased retention of two years. Adoption of the proposed ordinance will remove the retention provisions for these audio recordings from the Municipal Code, as they have been consolidated in the proposed Retention Schedule.

City Clerk staff continues to work on the additional components of the Records Management program which will include:

- Complete description of the functional filing system
- An alphabetical cross reference
- Guidelines, policies and procedures:
 - Creation of new files, including naming conventions to standardize file names
 - Preservation and destruction of records, which will include a schedule for the disposition of obsolete records on a continuous basis
 - Transferring and retrieving inactive/off-site records
 - Email and other electronic records
 - Ongoing Maintenance of the Retention Schedule
 - Citywide Staff Training

Additional components of the Records Management Program will be implemented by staff and/or presented to City Council for approval as necessary.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real

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property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, *et seq.*).

Staff is not independently aware, and has not been informed by any Chula Vista City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

LINK TO STRATEGIC GOALS

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. Adoption of this item supports the City's goal of Operational Excellence as it provides improved delivery of service and reduced staff time on manual procedures in that records will be destroyed and/or maintained in a more efficient manner. Government transparency is improved in that records are available in the right place at the right time.

CURRENT YEAR FISCAL IMPACT

The current year fiscal impact is anticipated to consist of staff time for implementation and training on the updated Retention Schedule, which is included in the current year's budget. Staff does not anticipate that additional funds will be required.

ONGOING FISCAL IMPACT

While there may initially be an increase for storage and disposition of off-site records due to additional costs related to transportation of records for evaluation and shredding costs, staff anticipates the City will ultimately realize a cost savings for off-site records storage. Fiscal impacts associated with the ongoing implementation and maintenance of the program will be accounted for through normal budgetary processes.

ATTACHMENTS

1. Citywide Records Retention Schedule

Staff Contact: Tyshar L. Turner, Records Manager, Office of the City Clerk