

Office of the City Manager

CONSENT CALENDAR
July 8, 2003

To: Honorable Mayor and
Members of the City Council
From: Weldon Rucker, City Manager
Subject: REVISED RECORDS RETENTION SCHEDULE

RECOMMENDATION

Adopt a Resolution approving revised Records Retention Schedules in compliance with the City's Records Management Program and rescinding Resolution Nos. 58,239-N.S., 57,527-N.S., 56,112-N.S., and 55,432-N.S.

FISCAL IMPACTS OF RECOMMENDATION

Adoption of a revised records retention schedule will promote greater accuracy and efficiency cataloging records for inactive storage and retrieval of these records from the City's Records Center. Sound records management practices improve customer service and increase efficiency.

CURRENT SITUATION AND ITS EFFECTS

Records Retention Schedules are a key element in effective records management programs. While there are currently no state mandated guidelines regarding how often local agencies must update their schedules, state law requires state agencies to revise and update their schedules every five years or whenever a change occurs that impacts the maintenance or disposal of agency records. Although there have been four revisions to the City's Records Retention Schedules since the comprehensive records inventory conducted in 1989-90, the last update was completed in 1995. The existing Records Retention Schedules are outdated and do not reflect the City's current organizational structure or records inventory and are based on outdated record-keeping requirements. Several department divisions and functions have been reorganized during the interim years and changes in both federal and state retention requirements now make it necessary to adopt revised Records Retention Schedules. This revised schedule is currently posted on the City's new *Public Information and Records website* at www.ci.berkeley.ca.us/clerk/records/ as a resource tool for staff and the public.

BACKGROUND

The City's Records Management Program, initially adopted in 1988, calls for periodic review and updates of the Records Retention Schedules. A Records Retention Schedule is a listing of all records produced or maintained by an agency and the actions taken regarding the disposition of these records. A retention schedule is an agency's legal authority to receive, create, retain,

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preserve and dispose of official public records. It assists the City 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 administrative, fiscal, or legal value.

A citywide inventory of department records was conducted in 2000, and existing schedules have been updated and revised to reflect changes in organizational structure and department policies through 2002. Additionally, the schedules include newly identified records series and incorporate the Secretary of State / State Archives' *Local Government Records Retention Guidelines* as authorized by CA. Government Code § 12236 (2000). The Office of the City Attorney has provided legal review of each department schedule and all statutory citations.

The revised Records Retention Schedules play an integral role in managing City information assets more effectively. In addition to providing updated retention periods, the schedules help identify those record series that would benefit most from automated solutions and tools as we incorporate imaging and electronic document management into the City's Records Management Program.

Included with the revised resolution are:

- A new *General Records Retention Schedule*, which replaces the former two-page General Guidelines for Records Common to Most Departments adopted in 1995. The Mayor and City Council records are now governed by this schedule.
- Revised individual *Department Retention Schedules* presented in a final format for distribution after adoption.
- *Schedule Change Documentation* showing all revisions made to the existing schedules during the update process. These schedules incorporate all recommendations and comments made by designated department records liaisons, records management staff and the Office of the City Attorney. Changes and additions are indicated by underlining, while deleted text is ~~stricken out~~. Parenthetical information regarding organizational changes and transfer of functions between departments are identified in footnotes.

Also enclosed for your information purposes only is a document entitled *Policy Objectives and Responsibilities*. This document is provided for information only. It outlines policies and procedures associated with managing City records using the updated retention schedules, and provides a glossary of terms and definitions for the new retention event codes to make applying the schedules easier for staff.

The schedules for the Berkeley Civic Improvement Corporation, Berkeley Housing Authority, Joint Powers Financing Authority, Berkeley Public Library, Redevelopment Agency and Rent Stabilization Board have also been created as stand-alone schedules, which will be submitted to the appropriate advisory bodies for adoption within the near future.

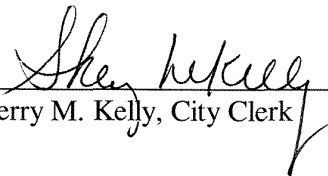
RATIONALE FOR RECOMMENDATION

Council's adoption of the proposed *Resolution* and attached *General Records Retention Schedule* and revised individual *Department Retention Schedules* will ensure a systematic approach to managing the life cycle of City records, and sustain continued compliance with state laws and federal agency record-keeping guidelines. Adoption of the revised schedules will also provide a strong foundation for implementation of an automated records and information management program to ensure that retrieval and delivery of information is efficient, accurate, effective and economical.

CONTACT PERSON

Sherry M. Kelly, City Clerk, 981-6900

Approved:



Sherry M. Kelly, City Clerk

RESOLUTION NO. -N.S.

ADOPTING A REVISED RECORDS RETENTION SCHEDULE IN COMPLIANCE WITH THE CITY OF BERKELEY RECORDS MANAGEMENT PROGRAM, AND RESCINDING RESOLUTION NUMBERS. 55,432-N.S., 56,112-N.S., 57,527-N.S. AND 58,239-N.S.

WHEREAS, a system for managing the City's information assets, including records retention schedules for the final disposition and scheduled destruction of records and working papers that are no longer needed for administrative, legal, fiscal, historical, or research purposes, is deemed appropriate and essential for the effective conduct of the City's government process; and

WHEREAS, the City of Berkeley desires that no record shall be destroyed or otherwise disposed of by any department of the City unless it is deemed that the record has no further administrative, legal, or fiscal value, and that the City Manager or his/her designee has deemed that the record is inappropriate for historical preservation; and

WHEREAS, Section 34090 of the California Government Code provides for the destruction, with certain exceptions outlined below, of any City record, document, instrument, book, paper, etc., without making a copy thereof, after the same is no longer required, if done with the approval of the City Council by resolution and the written consent of the Department Director, City Clerk, City Attorney; and

WHEREAS, the Department Directors, City Attorney and City Clerk have approved in writing the Records Retention Schedules and have consented to the specified retention periods hereinafter set forth in the Departmental Records Retention Schedules, attached hereto and made a part hereof; and

WHEREAS, retention is not required for non-record copies, preliminary drafts, or notes, which are not retained by the City in the ordinary course of business.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

1. In accordance with Section 34090 of the California Government Code and Local Government Records Management Guidelines established by the Secretary of State under California Government Code Section 12236, the Council does hereby approve revised Records Retention Schedules and authorizes the disposal of records once their stated retention periods have expired.
2. On each occasion a department desires to dispose of records; a Destruction Authorization Memo listing said records shall be provided to the City Clerk as outlined in the City's Records Management Manual.
3. When the Department Director, City Attorney and City Clerk approve records for destruction, the department and records management staff will document the destruction of records on their Destruction Logs.

4. This Resolution does not authorize destruction of records set forth in Government Code Section 34090, which include:
 - a. Records affecting title of real property or liens thereon;
 - b. Court records or departmental records on any subject where litigation or audit is pending;
 - c. Record copies of files less than two years old;
 - d. Records required to be kept by statute; and
 - e. The minutes, ordinances, or resolutions of the City Council, or of a City board or commission.
5. The City will make every effort to identify, preserve and catalog historical records deemed of enduring value to the city.
6. The City Manager, or his/her designee, is hereby authorized, at his/her discretion, to make available to officials of the University of California Libraries, or any local historical or preservation society, any records or documents scheduled for destruction, excepting confidential records and documents, which will compliment and enhance that entities' archival collections and further their preservation goals.

BE IT FURTHER RESOLVED, that Resolution Numbers 55,432-N.S., 56,112-N.S., 57,527-N.S. and 58,239-N.S. are hereby rescinded.