



**CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT**

Agenda Item #{{section.number}}8

DATE: July 11, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Ernesto Marquez, City Manager

BY: Pablo Rubio, City Clerk

RECOMMENDATION:

Recommendation to adopt Resolution No. 025-2023, adopting an amended and restated Citywide Records Retention Schedule and establishing a records retention policy.

SUMMARY

California Government Code section 34090 et seq., provides that, with the approval of the City Council by resolution and with the written consent of the City Attorney, the head of a City department may destroy any City record after a set amount of time, consistent with State statutory requirements and best practices.

The City of Hawaiian Garden's ("City") current citywide record retention schedule was adopted on May 8, 2012, through Resolution No. 035-2012. The purpose of the Citywide record retention schedule is to establish consistent standards for all City records in line with applicable law; and to ensure the disposal of obsolete records in line with that adopted schedule so that City resources are not expended unnecessarily.

Since Resolution No. 035-2012 was adopted, there have been several changes in state and federal law governing the retention and destruction of City records. Thus, the City desires to adopt Resolution No. 025-2023 (Attachment A) that updates its current record retention schedule to conform to current requirements under state and federal law and for the orderly retention of City records and the proper destruction of obsolete records.

The proposed Record Retention Schedule modifies and brings up to date the City's Record Retention process. A few of the key difference between the proposed Record Retention Schedule and the existing record retention schedule are:

- The updated schedule combines several categories of records in the same subject area with the same retention into one entry. The current schedule unnecessarily lists these related records as individual entries.

- The updated schedule removes certain categories of records that are not required to be retained by the City, but rather are the records of another government agency such as the Los Angeles County Animal Control and the Air Quality Management District, or which the City does not have a business necessity to retain.

The proposed resolution also adopts an updated Records Retention and Destruction Policy “Policy” (Exhibit A of the Resolution) that provides guidelines to City staff members regarding the retention of City records and the destruction of obsolete and unnecessary records. The Policy is intended to be used in conjunction with the updated Record Retention Schedule to assist City staff members in the identification, maintenance, and safeguarding of City records and, when legally allowed, the disposal of obsolete and unnecessary records in the normal course of business.

The Policy expressly bestows the City Clerk with the responsibility of administering the Policy. Under the Policy, the City Clerk is authorized to perform any and all acts necessary to comply with the terms and intent of the Policy and is responsible for the retention of City records and destruction of any obsolete records that meet the qualifications governing the retention and disposal of City records pursuant to the City’s Record Retention Schedule and the Policy. Additionally, the City Clerk is authorized to update or amend the Records Retention Policy as needed, without further approval from the City Council, in order to stay current with federal and State laws, as well as any other regulations, regarding records retention. This will allow the City to respond to any changes in record retention laws in a timely and efficient manner.

Adopting a revised Record Retention Schedule and a Records Retention Policy will ensure stability, consistency, and compliance in the retention of City records.

FISCAL IMPACT

None.

SUGGESTED ACTION

Approve Recommendation.

ATTACHMENTS

A. Resolution No. 025-2023