



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-33

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

December 5, 2006

PRINCIPAL DEPUTIES

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Dominic Holzhaus
Belinda R. Mayes

DEPUTIES

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Richard F. Anthony
Christina L. Checel
Alysha Park Choi
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Anne C. Lattime
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Barry M. Meyers
Cristyl Meyers
J. Charles Parkin
Howard D. Russell
Tiffani L. Shin

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending Municipal Code Chapter 1.28 relating to record retention read the first time and laid over to the next regular meeting of the City Council for final reading.

DISCUSSION

Pursuant to your request, this office has prepared and submits the above referenced ordinance for your consideration. The ordinance would clarify that documents prepared, received or maintained by the Mayor, City Councilmembers, elected officials, and the various City Departments are the property of the City. The ordinance would also require that the Mayor and each City Councilmember prepare, with the assistance of the City Clerk, a retention schedule for the various City documents under their respective custody and control. This requirement is currently applicable to the City Manager, each of the City Departments under his control, and the other elected officers of the City. The ordinance further clarifies that records must be retained consistent with the requirements set forth in State law, the City Charter, the Municipal Code and by existing administrative regulation. A redlined version of the amendments are attached for your convenience.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By


MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm
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#06-04074

1 ORDINANCE NO.

2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY AMENDING CHAPTER 1.28
6 RELATING TO RECORD RETENTION

7
8 The City Council of the City of Long Beach ordains as follows:

9
10 Section 1. Chapter 1.28 of the Long Beach Municipal Code is amended to
11 read as follows:

12 Chapter 1.28

13 RECORD RETENTION

14 1.28.010 Records survive transition of officials.

15 All documents prepared, received, or maintained by the Office of
16 the Mayor, City Councilmembers, by any elected city official, and by the
17 head of any City department, are the property of the City. The originals of
18 these documents shall be maintained consistent with State law and the
19 records retention policies of the City as set forth in the City Charter, and
20 by administrative regulation.

21 1.28.020~~40~~ Schedules.

22 With the assistance of the City Clerk, record retention schedules
23 shall may be prepared by the Mayor and each City Councilmember, the
24 City Manager for any department under his or her direction and control,
25 and by the elective officers for their respective departments, and Said
26 retention schedules shall be submitted to the City Council for approval.

27 The retention schedules ~~for each department~~ shall designate and
28 describe each separate type, class or series of city records and shall

1 provide: (a) the length of time that each type, class or series of records
2 must be maintained; (b) when any of the records may be transferred from
3 the department to the city record center; (c) when duplicate records may
4 be destroyed pursuant to section 1.28.030; and (d) when requests may be
5 submitted to the city attorney for consent and to the city council for
6 approval of destruction of original or record copies of city records.

7
8 1.28.030~~20~~ Destruction--Approval required.

9 Original or record copies of city records which are not required by
10 law to be permanently maintained shall not be destroyed until a request
11 for the destruction of each original or record copy or class or series of
12 such records has received the prior written consent of the city attorney
13 and the prior approval of the city council in accordance with the provisions
14 of the California Government Code relating to the destruction of public
15 records. Such consent and approval of a request for destruction of a type,
16 class or series of records shall not constitute continuing authority for
17 subsequent destruction of the same type, class or series of records, but
18 the consent and approval required by this section shall be obtained prior
19 to each such subsequent destruction.

20
21 1.28.040~~30~~ Destruction--Duplicate records.

22 The Mayor and each City Councilmember, the elective department
23 heads, the City Manager or a department head who has been given
24 written authorization by the city manager, may destroy or cause the
25 destruction of any duplicate city record, which is less than five (5) years
26 old, if the Mayor, Councilmember, elective officer, City Manager, or duly
27 authorized department head has determined to his or her satisfaction that
28 the duplicate record does not constitute the official record copy, and that

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1 the duplicate record is no longer required for use in the conduct of city
2 business, and that the duplicate copy has been kept for the time specified
3 by the department's record retention schedule as approved by the City
4 Council.

5
6 Sec. 2. The City Clerk shall certify to the passage of this ordinance by the
7 City Council and cause it to be posted in three conspicuous places in the City of Long
8 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

9 I hereby certify that the foregoing ordinance was adopted by the City
10 Council of the City of Long Beach at its meeting of _____, 2006, by
11 the following vote:

12 Ayes: Councilmembers: _____

13 _____

14 _____

15 _____

16 Noes: Councilmembers: _____

17 _____

18 Absent: Councilmembers: _____

19 _____

20 _____

21 _____

22 _____
City Clerk

23 _____

24 Approved: _____

25 _____
Mayor

26 _____

27 _____

28 MJM:kjm #06-04074 10/13/06 REDLINED VERSION
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16 the Mayor, City Councilmembers, by any elected city official, and by the
17 head of any City department, are the property of the City. The originals of
18 these documents shall be maintained consistent with State law and the
19 records retention policies of the City as set forth in the City Charter, and
20 by administrative regulation.

21 1.28.020 Schedules.

22 With the assistance of the City Clerk, record retention schedules
23 shall be prepared by the Mayor and each City Councilmember, the City
24 Manager for any department under his or her direction and control, and by
25 the elective officers for their respective departments. Said retention
26 schedules shall be submitted to the City Council for approval. The
27 retention schedules shall designate and describe each separate type,
28 class or series of city records and shall provide: (a) the length of time that

1 each type, class or series of records must be maintained; (b) when any of
2 the records may be transferred from the department to the city record
3 center; (c) when duplicate records may be destroyed pursuant to section
4 1.28.030; and (d) when requests may be submitted to the city attorney for
5 consent and to the city council for approval of destruction of original or
6 record copies of city records.

7
8 1.28.030 Destruction--Approval required.

9 Original or record copies of city records which are not required by
10 law to be permanently maintained shall not be destroyed until a request
11 for the destruction of each original or record copy or class or series of
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13 and the prior approval of the city council in accordance with the provisions
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16 class or series of records shall not constitute continuing authority for
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18 the consent and approval required by this section shall be obtained prior
19 to each such subsequent destruction.

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24 written authorization by the city manager, may destroy or cause the
25 destruction of any duplicate city record, which is less than five (5) years
26 old, if the Mayor, Councilmember, elective officer, City Manager, or duly
27 authorized department head has determined to his or her satisfaction that
28 the duplicate record does not constitute the official record copy, and that

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the duplicate record is no longer required for use in the conduct of city business, and that the duplicate copy has been kept for the time specified by the record retention schedule as approved by the City Council.

Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2006, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor