



ROBERT E. SHANNON *City Attorney*

HEATHER A. MAHOOD Chief Assistant City Attorney

December 5, 2006

MICHAEL J. MAIS Assistant City Attorney

> 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

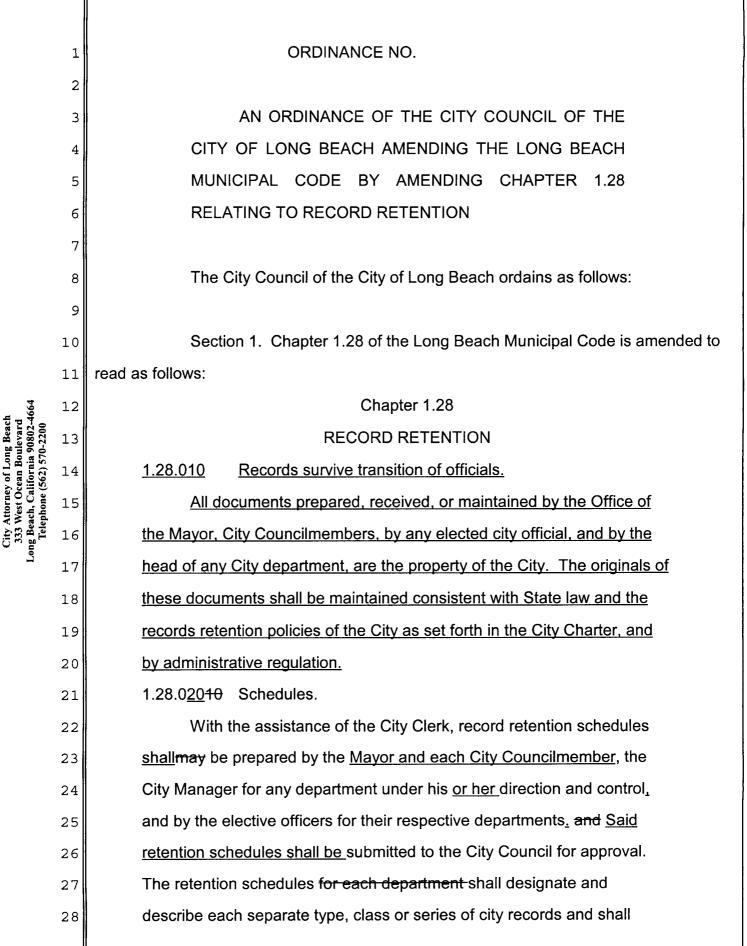
By Assistant Cit

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Barbara D. de Jong Dominic Holzhaus Belinda R. Mayes

DEPUTIES

Gary I. Anderson Richard F. Anthony Christina L. Checel Alysha Park Choi Randall C. Fudge Charles M. Gale Everett L. Glenn Donna F. Gwin Anne C. Lattime Monte H. Machit Lisa Peskav Malmsten Barry M. Meyers Cristyl Meyers I. Charles Parkin Howard D. Russell Tiffani L. Shin



Robert E. Shannon

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

1.28.03020 Destruction--Approval required.

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

1.28.0<u>40</u>30 Destruction--Duplicate records.

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

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Robert E. Shannon City Attorney of Long Beach 333 West Ocean Boulevard Long Beach, California 90802-4664 Telephone (562) 570-2200	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:		#*****
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	14				
	15				
	16	Noes:	Councilmembers:		<u></u>
	17				
	18	Absent:	Councilmembers:		
	19				
	20				
	21			City Clerk	
	22				
	23				
	24	Approved:		Mayor	
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	27	MJM:kjm #06-04074 10/13/06 REDLINED VERSION			
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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING CHAPTER 1.28 RELATING TO RECORD RETENTION

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

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

Chapter 1.28

RECORD RETENTION

Records survive transition of officials. 1.28.010

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

Schedules. 1.28.020

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

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

1.28.030 Destruction--Approval required.

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

1.28.040 Destruction--Duplicate records.

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

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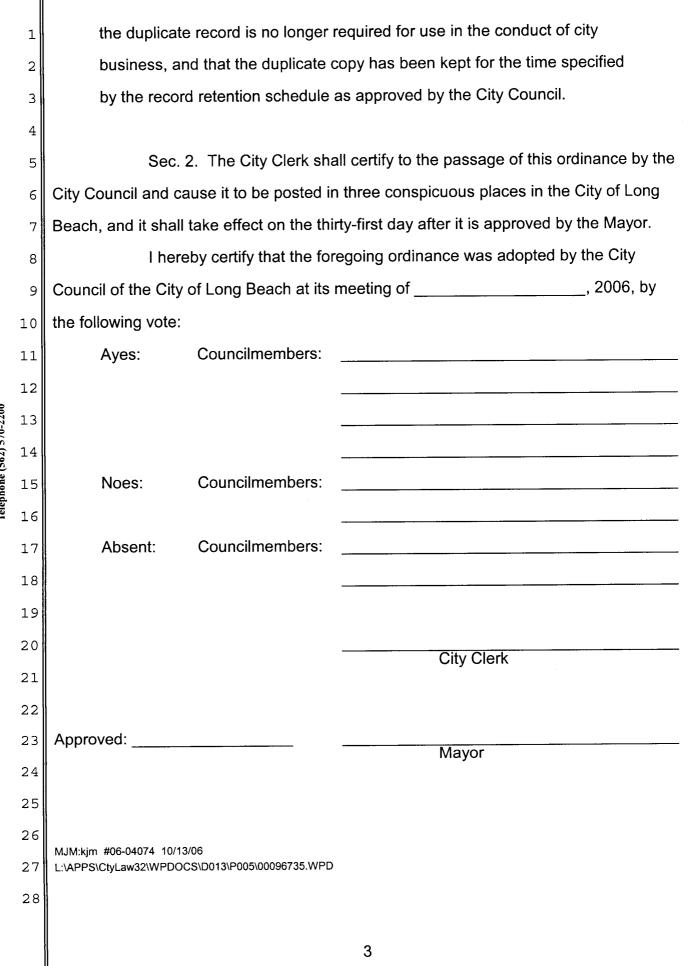
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