



City Clerk's Office

DATE: May 23, 2023

TO: City Council

FROM: Merry Monlux, Assistant City Clerk

SUBJECT: **Item 4.6 - City Records Retention Schedule Update**

PURPOSE

This memorandum serves as notification to the City Council of an update to Item 4.6, specifically:

1. Attachment 1, Exhibit A, City-Wide Standards, pages 4-12

DISCUSSION

The schedule provided did not reflect one proposed change, the addition of series CW-017, Document Processing Files - all drafts and finals, to the Citywide Records Retention Schedule.

Attachments: 1. Revised City-Wide Standards

RECORDS RETENTION SCHEDULE: CITY-WIDE STANDARDS

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>Retentions apply to the department that is NOT the Office of Record (OFR), or the "Lead Department". If you are the OFR, refer to your department retention schedule.</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
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CITY-WIDE (Used by All Departments)								
Lead Dpt.	CW-001	Affidavits of Publications / Affidavits of Posting Notices / Legal Advertising / Notices / Proofs of Publications / Public Hearing Notices	2 years		Mag, Ppr			Brown Act challenges must be filed within 30 or 90 days of action; Statute of Limitations on Municipal Government actions is 3 - 6 months; GC §§34090, 54960.1(c)(1)
Lead Dept.	CW-002	<p>Agreements & Contracts - Official / Original (NON-INFRASTRUCTURE, Professional Services Agreements)</p> <p><i>Agreement or Contract includes all contractual obligations (e.g. Specifications and Successful Proposal or Scope of Work)</i></p> <p>Examples of Non-Infrastructure: Consultants, Franchises, Landscaping, Painting, Slurry Seals (Paving), Tree Trimming, Leases, Personnel, Professional Services, etc.</p>	Completion + 10 years	Yes: Before Completion	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; Statute of Limitations is 4 years; 10 years for Errors & Omissions; land records are permanent by law; CCP §§337. 337.1(a), 337.15, 343; GC §34090, Completion = end of the agreement/contract term

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Lead Dept.	CW-003	<p>Agreements & Contracts - Official / Original (INFRASTRUCTURE, JPAs, MOUs, REAL PROPERTY / REAL ESTATE)</p> <p><i>Agreement or Contract includes all contractual obligations (e.g. Specifications and Successful Proposal or Scope of Work)</i></p> <p>Examples of Infrastructure: Architects, Buildings, bridges, covenants, development, environmental, Joint Powers, MOUs, park improvements, property & property restrictions, redevelopment, reservoirs, sewers, sidewalks, street & alley improvements, settlement, subdivisions, utilities, water, etc.</p>	P	Yes: Before Completion	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; All infrastructure contracts should be permanent for emergency preparedness; Statute of Limitations is 4 years; 10 years for Errors & Omissions; land records are permanent by law; CCP §337 et. seq., GC §34090; Contractor has retention requirements in 48 CFR 4.703
Lead Dept.	CW-004	<p>Agreements & Contracts ADMINISTRATION (WITHOUT Grant Funding) (Insurance Certificates, Project Administration, Certified Payrolls, RFP - Request for Proposal, etc.)</p> <p>Send all Final Agreements or Contracts to the City Clerk</p>	Completion + 10 years	Yes: Before Completion	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	City preference; Covers E&O Statute of Limitations; Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §337 et. seq., GC §34090 Completion = end of the agreement/contract term

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Lead Dept.	CW-005	Agreements & Contracts: ADMINISTRATION (WITH Grant Funding) (Insurance Certificates, Project Administration, Certified Payrolls, RFP - Request for Proposal.) Send all Final Agreements or Contracts to the City Clerk	Completion + 10 years or After Funding Agency Audit, if required, whichever is longer	Yes: Before Completion	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Some grant funding agencies require audits; Statute of Limitations for Errors & Omissions is 10 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; CCP §337 et. seq., 2 CFR 200.334; 24 CFR 91.105(h), 92.505, & 570.502(b), 29 CFR 97.42; OMB Circular A-133; GC §34090; Completion = End of the Agreement / Contract Term
Lead Dept.	CW-006	Bid Opening Packets: Planet Bids / Bids or Proposals in response to RFPs (Request for Proposals) and/or RFQs (Request for Qualifications), Notices, Specifications, Unsuccessful Proposals	2 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	GC §34090
	CW-007	Boards, Commissions, & Committees: External Organizations - Agendas, Minutes, Resolutions, or other documents (e.g. County Board of Supervisors)	When No Longer Required		Mag, Ppr			Not a record produced by the City.
Staffing Dept.	CW-008	Boards, Committees, Commissions, Ad-Hoc Committees: Advisory Created by the City Council - AUDIO or VIDEO RECORDINGS	2 years		Mag			Department preference; Audio Required for 30 days; GC §54953.5(b); video recordings of meetings are required for 90 days; GC §34090.6
Staffing Dept.	CW-009	Boards, Committees, Commissions, Ad-Hoc Committees: Advisory Created by the City Council - MINUTES	P		Mag, Mfr, OD, Ppr	S/I	No	GC §34090(e)
Staffing Dept.	CW-010	Boards, Committees, Commissions: Advisory Created by the City Council - AGENDAS & STAFF REPORTS	P		Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Department Preference; GC §34090 et seq.
Staffing Dept.	CW-011	City Attorney - Release of Liability Forms / Waivers of Liability Forms	20 years		Mag, Ppr			Department Preference; CCP §337 et seq; GC §34090 et seq.

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Staffing Dept.	CW-012	Committees: City Council Subcommittees, Ad-Hoc Committees AGENDAS and MINUTES	P		Mag, Ppr			Only Citizen Advisory Boards appointed by the City Council must retain minutes permanently (Council Subcommittees present their recommendations to the full Council); GC §34090 et seq.
Staffing Dept.	CW-013	Committees: Employee Committees, Employee Staff Meetings / Department Staff Meetings AGENDAS and MINUTES	2 years		Mag, Ppr			GC §34090 et seq.
Lead Dept.	CW-014	Copies or duplicates of any record	Copies - When No Longer Required		Mag Ppr			GC §34090.7
Dept. that Authors Document or Receives the City's Original Document	CW-015	Correspondence - ROUTINE (Content relates in a substantive way to the conduct of the public's business) (e.g. Letters, Memorandums, Administrative, Chronological, General Files, Reading File, Working Files, e-mails remaining in In-Boxes or Sent Items, etc.)	2 years		Mag, Ppr			GC §34090

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Dept. that Authors Document or Receives the City's Original Document	CW-016	Correspondence - TRANSITORY / PRELIMINARY DRAFTS , Interagency and Intraagency Memoranda NOT retained in the ordinary course of business Content NOT Substantive , or NOT made or retained for the purpose of preserving the informational content for future reference (e.g. calendars, checklists, employee directories, invitations, instant messaging, meeting room registrations, staff videoconference chats, text messages, transmittal letters, thank yous, requests from other cities, visitors logs, voice mails, etc.)	When No Longer Required		Mag, Ppr			Electronic and paper records are filed and retained based upon their CONTENT . Records where either the content relates in substantive way to the conduct of the public's business, or are made or retained for the purpose of preserving the information content for future reference are saved by placing them in an electronic or paper (project) file folder and retained for the applicable retention period. If not mentioned here, consult the City Attorney to determine if a record is considered transitory / preliminary drafts. GC §34090, GC §7927.500; 64 Ops. Cal. Atty. Gen. 317 (1981)); City of San Jose v. Superior Court (Smith). S218066. Supreme Court of California, 2017
Lead Dept.	CW-017	Document Processing (DP) Files - all drafts and finals (City copywriting service: Final records are retained by requesting department; retention is determined by the content of the final record)	When No Longer Required		Mag, Ppr			Drafts; GC §§34090 et seq., 7927.500
Lead Dept.	CW-018	Drafts & Notes: Drafts that are revised (retain final version)	When No Longer Required		Mag, Ppr			Drafts and notes are not retained in the "Regular Course of Business". Consult the City Attorney to determine if a record is considered a draft. GC §§34090, 7927.500
Lead Dept.	CW-019	Grants (UNSUCCESSFUL Applications, Correspondence)	2 years		Mag, Ppr			GC §34090

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Lead Dept.	CW-020	Grants / CDBG / Reimbursable Claims / FEMA Claims / OES Claims (SUCCESSFUL Reports, other records required to pass the funding agency's audit, if required) Applications (successful), grant agreement, program rules, regulations & procedures, reports to grant funding agencies, correspondence, audit records, completion records	After Funding Agency Audit, if required - Minimum 5 years		Mag, Ppr			Meets auditing standards; Grants covered by a Consolidated Action Plan are required for 5 years; Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report or final payment of grantee or subgrantee; 2 CFR 200.333; 24 CFR ; 91.105(h), 92.505, & 570.502(a), 29 CFR 97.42; OMB Circular A-110 & A-133.320(g); GC §34090; GC §8546.7
Human Resources	CW-021	Personnel Files (Department-level Files)	Send All Originals to Human Resources	Before Separation	Mag, Ppr			Ensure records kept in Department files comply with City policy (all originals are sent to Human Resources); GC §34090.7
Lead Dept.	CW-022	Personnel Files (Supervisor's Notes)	Shred After Incorporation into Performance Evaluation or Documented Discipline	Before Annual Evaluation	Mag, Ppr			Notes maintained in a separate folder to be incorporated into performance evaluation, or to document progressive discipline; GC §34090 et seq.

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Lead Dept.	CW-023	Photographs	When No Longer Required		Mag, Ppr			Preliminary Drafts; destroy unnecessary photographs. Records where either the content relates in substantive way to the conduct of the public's business, or are made or retained for the purpose of preserving the information content for future reference are saved by placing them in an electronic or paper (project) file folder and retained for the applicable retention period; see other potentially relevant schedules for photographs; GC §§34090, 7927.500
Lead Dept.	CW-024	Public Relations / Press Releases	2 years		Mag, Ppr			GC §34090
Lead Dept. (Who Ordered the Appraisal)	CW-025	Real Estate Appraisal Reports: Property NOT purchased, Loans not funded, etc.	2 years		Mag, Ppr			Not accessible to the public; Statewide Guidelines show 2 years; GC §§34090, 7928.705
Lead Dept. (Who Ordered the Appraisal)	CW-026	Real Estate Appraisal Reports: Purchased Property, Funded Loans	Minimum 5 years	Yes: Before Purchase	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Not accessible to the public until purchase has been completed; meets grant auditing requirements; 2 CFR 200.334; 24 CFR 91.105(h), & 570.502(b); 29 CFR 97.42, GC §34090
City Clerk	CW-027	Records Destruction Authorization Forms & Certifications (All Departments)	Copies - When No Longer Required		Mag, Mfr, OD, Ppr	S / I	Yes: After QC'd & OD	City Clerk retains originals; GC §34090.7
Lead Dept.	CW-028	Reference Materials: Policies, Procedures, Brochures, Flyers, Manuals, Newsletters, etc: Produced by OUTSIDE ORGANIZATIONS (League of California Cities, Chamber of Commerce, etc.)	When No Longer Required		Mag, Ppr			Not a record produced by the City.

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Lead Dept.	CW-029	Reference Materials: Policies, Procedures, Brochures, Flyers, Manuals, Newsletters, Administrative Policies, etc: Produced by YOUR Department	Minimum 2 years		Mag, Ppr			Statewide guidelines propose superseded + 2 or 5 years; GC §34090
Lead Dept.	CW-030	Reports and Studies (Historically significant - e.g., Zoning Studies)	P		Mag, Mfr, OD, Ppr	S/I	Yes: After 10 years	Administratively and Historically significant, therefore retained permanently; GC §34090
Lead Dept.	CW-031	Reports and Studies (other than Historically significant reports - e.g. Annual Reports)	10 years		Mag, Ppr			Information is outdated after 10 years; statewide guidelines propose 2 years; If historically significant, retain permanently; GC §34090
Lead Dept.	CW-032	Special Projects / Subject Files / Issue Files	Minimum 2 years		Mag, Ppr			Department Preference; GC §34090 et seq.
Lead Dept.	CW-033	Surveys / Questionnaires (that the City issues). If a summary of the data is compiled, the survey forms are considered a draft or transitory record, and can be destroyed as drafts (When No Longer Required)	2 years		Mag, Ppr			GC §34090
Lead Dept.	CW-034	Training Presented by City Staff - COURSE RECORDS (Attendance Rosters, Outlines and Materials; includes Ethics, Harassment, & Safety Training & Tailgates)	7 years		Mag, Mfr, OD, Ppr	S	Yes: When Inactive	Department preference; Ethics Training is 5 years; Statewide guidelines propose 7 years; Calif. Labor Division is required to keep their OSHA records 7 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years for personnel actions; 8 CCR §3203 et seq., 29 CFR 1627.3(b)(ii), LC §6429(c); GC §§12946, 34090, 53235.2(b)

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Lead Dept.	CW-035	Volunteer Applications, Waivers / Unpaid Intern Applications - SUCCESSFUL Includes Volunteer Agreement and e-mail confirmation of Livescan clearance from Human Resources; ALL WAIVERS SHOULD BE SENT TO CITY ATTORNEY	Inactive / Separation + 3 years		Mag, Ppr			Department preference; EEOC / FLSA / ADEA (Age) requires 1-3 years; State Law requires 2 - 3 years; 29 CFR 1627.3(b)(i), 29 CFR 1602.14 et seq.2 CCR 11013(c); GC §§12946, 34090
Lead Dept.	CW-036	Volunteer Applications, Waivers / Unpaid Intern Applications - UNSUCCESSFUL ALL WAIVERS SHOULD BE SENT TO CITY ATTORNEY	3 years		Mag, Ppr			Department preference; EEOC / FLSA / ADEA (Age) requires 1-3 years; State Law requires 2 - 3 years; 29 CFR 1627.3(b)(i), 29 CFR 1602.14 et seq.2 CCR 11013(c); GC §§12946, 34090
Division Providing Service / Work	CW-037	Work Orders / Service Requests - CRM / CMMS DATABASE / AskMV, Footprints (Computerized Maintenance Management System)	Indefinite		Mag			Data is interrelated; GC §34090
Division Providing Service / Work	CW-038	Work Orders / Service Requests - All Information Entered in CRM / CMMS Database/ AskMV, Footprints (Paper drafts)	When No Longer Required		Mag Ppr			Preliminary drafts (the database is the original); GC §34090
Division Providing Service / Work	CW-039	Work Orders / Service Requests - NOT entered in CRM / CMMS Database / AskMV, Footprints (or partial information entered into CMMS Database) (Division providing service retains originals; Division requesting service is considered a copy)	5 years		Mag Ppr			City Preference; CCP §§338 et seq., 340 et seq., 342, GC §34090