



# COUNCIL REPORT

**DATE:** May 23, 2023  
**CATEGORY:** Consent  
**DEPT.:** City Clerk's Office  
**TITLE:** **City Records Retention Schedule Update**

## **RECOMMENDATION**

Adopt a Resolution of the City Council of the City of Mountain View Amending the City's Records Retention Schedules and Rescinding Resolution No. 18179, Resolution No. 17500, and Resolution No. 17804, to be read in title only, further reading waived (Attachment 1 to the Council report).

## **BACKGROUND**

California Government Code Section 34090 allows for the destruction of City records after the records are no longer required and after specified time periods with the approval of the legislative body by resolution and the written consent of the City Attorney. The establishment of a records retention schedule provides the legal authority for a public agency to manage its records without having to come back to the City Council to seek authorization for destruction of individual records.

The City's Records Retention Schedule was initially adopted by Resolution No. 16030 in 1996, providing guidelines to ensure that all City records are maintained in accordance with Federal, State, and local laws as well as contractual obligations and best practices. [City Council Policy A-9, Destruction of City Records](#), affirms authorization to destroy City records in accordance with a records retention schedule and provides that any such records may only be destroyed with authorization by the appropriate department head, City Attorney, and City Clerk.

The City's current Records Retention Schedules were last updated on [November 28, 2017 \(Citywide\)](#), [October 22, 2013 \(Fire Department\)](#), and [May 25, 2010 \(Police Department\)](#). Since these adoptions, there have been significant changes to retention laws as well as the electronic mediums widely used today.

## **ANALYSIS**

The City Clerk's Office contracted with Gladwell Governmental Services, Inc., an expert in local government records, to assist in the review and update of the City's records retention schedules.

An update to the existing program was necessary to reduce current and future records storage costs, eliminate duplication of effort, increase efficiency, take advantage of current technology as it may be implemented, and ensure compliance with recent changes in law.

The update of the current records retention schedules is driven by many factors, including:

- Very limited space in City facilities;
- Many departments filing and storing copies of duplicative records;
- Production and management of many permanent records;
- Technological advancements; and
- Changes in law.

The revised retention schedules (Exhibit A to Attachment 1) were developed interactively with representatives from all departments as subject matter experts in their respective fields over the course of the previous six months. The updates reflect currently managed records categories, provide clear and specific records descriptions and retention periods, and apply current law and technology to the management of City records.

The purpose of the updates is to provide mechanisms for more efficient and economical methods of creation, utilization, maintenance, retention, preservation, and disposal of all records managed by the City. In furtherance of this goal, the Information Technology Department has been working to add support for a “trusted system,” as defined by State law, which will allow the City to maintain official City records electronically. Currently, nonelectronic records must be kept in their original form for the required retention period. A trusted system provides certainty and certification that the record is original and nonalterable, and accordingly, with a trusted system, the City can convert nonelectronic records to electronic records and then destroy the nonelectronic records. It is estimated that this system could be implemented as early as the first quarter of 2024, pending staffing and funding availability. Once implemented, the City will eventually realize savings in labor costs and operational efficiencies as it phases out the need to retain and store nonpermanent paper records.

It is standard business practice for California cities to authorize the routine destruction of records that have exceeded their adopted retention period through the means of a record retention schedule adopted by the City Council. Once adopted, the management of City records will be governed by the revised record retention schedule, and destruction of records may be made in accordance with it and with City Council Policy A-9, which requires the written consent of the appropriate department head, City Attorney, and City Clerk.

Staff also seeks Council authorization to modify the records retention schedule in order to maintain compliance with Federal and State laws with written consent by the appropriate department head, City Clerk, City Attorney, and City Manager without further action of the City Council.

The retention periods are in compliance with all laws and have been reviewed by the City Attorney's Office.

**ALTERNATIVES**

Do not update the Records Retention Schedules and continue to use the current schedules.

**PUBLIC NOTICING**—Agenda posting.

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Attachment: 1. Resolution with Exhibit A