

CITY COUNCIL POLICY

SUBJECT: PRESERVATION AND DESTRUCTION OF CITY RECORDS

NO.: A-9

PURPOSE:

To authorize the destruction of certain City records in accordance with the Citywide Records Retention Schedules (RRS) and to provide guidance to employees, contractors, and volunteers of the City who are authorized to scan, import, create, modify, or delete Official Records in the Laserfiche system where the electronic record is intended to serve as the City's Official Record.

DEFINITIONS:

Unless otherwise provided herein, words and terms used shall have the same meaning as such words and terms are defined in California Government Code Sections 12168.7 and 34090.5 and California Code of Regulations Section 22620 *et seq.*, and may be amended from time to time.

Certificate of Destruction—A formal record confirming the authorized destruction of documents that have met their retention period and been appropriately reproduced or stored digitally.

Electronic Data Management System (EDMS)—A digital system used by the City to store, manage, and retrieve official electronic records securely while ensuring compliance with retention policies.

Official Record—A lasting indication of a writing, event or other information, which is in the custody of City employees or elected or appointed City officials or bodies, and is kept either: (1) because a law requires it to be kept, or (2) because it is necessary or convenient to the discharge of the City's duties and was made or retained for the purpose of preserving its informational content for future reference.

Optical Character Recognition (OCR)—A process that converts scanned or digital documents into searchable and editable text by recognizing characters in images or PDFs.

Paper Records—Any Official Record in paper format.

Records Retention Schedule (RRS)—A City-approved policy outlining the required retention period for various types of records and procedures for their disposal.

Trusted System—A system that meets legal and regulatory requirements for ensuring electronic records are authentic, reliable, and tamper-proof, as defined by California Government Code Sections 12168.7 and 34090.5.

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Vital and Historical Records—Documents that hold significant legal, historical, or operational value, such as land titles, litigation agreements, or district archives, and must be permanently retained.

POLICY:

Trusted System:

The purpose of this Policy is to ensure the City's Electronic Data Management System (EDMS) meets the definition of a Trusted System, as set forth in California Government Code Sections 12168.7 and 34090.5, and is in compliance with regulations developed by the Secretary of State (SOS) to use in recording, storing, and reproducing permanent and nonpermanent documents or records in electronic media, so that every reproduction of a record from the EDMS will be deemed to be a copy of an original record. This Policy documents the business practices and procedures to be implemented to ensure the process for converting and storing paper records in the EDMS complies with California State Law. It is designed and prepared in accordance with AIIM (Association for Information and Image Management) Guidelines, Sections 6.2 and 6.17.

Upon adoption, this Policy will permit the City, pursuant to California Government Code Section 34090.5, to destroy original paper records, documents, instruments, books, and papers (collectively referred to as Paper Records) once those Paper Records have been stored into the EDMS in compliance with the procedures set forth in this Policy. This Policy applies to records entered into the EDMS on a day-forward basis—that is, from the date of Policy adoption onward. California Government Code Section 34090.5 sets forth that if a record series can be produced electronically and proper archival methods are set in place, the original may be destroyed, with the exception of those documents that are required to be kept permanently in their original form, as outlined in the City's Retention Schedule. This process will reduce storage boxes and storage space needs by elevating the City's records management program to include a Trusted System.

For purposes of this Policy and compliance with the RRS, an Official Record is defined as a lasting indication of a writing, event, or other information, which is in the custody of City employees or elected or appointed City officials or bodies, and is kept either: (1) because a law requires it to be kept; or (2) because it is necessary or convenient to the discharge of the City's duties and was made or retained for the purpose of preserving its informational content for future reference. Information that is not a record—such as drafts, duplicates, and informal notes—does not require retention or destruction authorization and should be disposed of once it no longer holds administrative value. Clear distinction between record and nonrecord content is critical to maintaining compliance and avoiding unnecessary storage burdens.

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Record Retention and Destruction:

Authorization is given for the destruction of City records as permitted by Section 34090 of the Government Code, and other State-state and Federal-federal guidelines referenced in the RRS, upon written consent of the appropriate department head, the City Attorney, and the City Clerk, when such records become obsolete.

This Policy applies to all types of records, including records in any of the following forms:

- a. Hard copy, including, but not limited to, paper documents, forms, photos, reports, manuals, maps, drawings, microfilm, and video; and
- b. Electronic form, in structured or unstructured format, including electronic communication, and associated metadata, regardless of the location or device upon which the information is stored.

No Paper Record designated as a vital and/or historical record shall be destroyed. The City Clerk, in consultation with the City Attorney's Office, shall identify those classes of records that are vital and/or historical records. Vital and/or historical records, at a minimum, shall include: The following records shall not be destroyed in their original format:may not be destroyed:

1. All recorded documents.
2. Minutes of the City Council or City boards and commissions.
3. Ordinances.
4. Resolutions.
5. City historical/archival information;
6. Records affecting the title to real property or liens;
7. Settlement and/or Litigation Agreements; and
8. Bond Documents.

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All other documents that are required by law to be maintained permanently may be stored electronically as long as the digitized version is archived in a reliable, secured, and trusted system, or unless otherwise required by law.

Even though records include a broad spectrum of recorded information, not all information held by the City is a record. Information that is not a record does not require retention scheduling or destruction authorization or reporting. To control excessive accumulation, it is necessary to keep only current, useful materials and to destroy transitory files as soon as their use has been met.

Destruction of an original record that has exceeded its retention period must be authorized according to City policy the RRS prior to destroying it. Copies, drafts, notes and non-records do NOT require authorization, and can be destroyed when no longer required.

Procedure for Converting and Storing Paper Records in the EDMS

The City Clerk's Office shall provide assistance and guidance to other departments to ensure the intent of this Policy is carried out and that the EDMS serves as a trusted system for storage and reproduction of City records that originated in paper format.

a. Conversion and Storing of Paper Records

1. All records scheduled for permanent retention shall be converted and stored in the EDMS in addition to maintenance of hard copy originals.
2. City Clerk staff shall work with each department to prioritize their records for conversion and storage in the EDMS.
3. Records without a permanent retention and/or retention period less than two years pursuant to the City's Record Retention Schedule shall not be placed in the EDMS. Only City records retained pursuant to the City's Record Retention Schedule should be stored in the EDMS.

b. Scanning of Paper Official Records

1. Scanned images shall be a true copy of archival quality.

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2. Staff Liaisons from the department of record shall be responsible for scanning permanent and/or long-term documents into the EDMS.
3. Files that contain confidential/attorney-client privilege documents must be scanned and filed separately from the public documents into a folder with limited access to assigned staff. This will ensure confidential documents are not released to the public during review of an electronic document.
4. Department staff shall check scanned documents for legibility, readability, completeness, page counts, confirm that document pages were scanned in the proper sequence, and, if necessary, rescan poor-quality images and/or missing pages, and correct page sequencing. The number of pages of each original document shall be verified with the electronically scanned version. Blank pages should be excluded whenever possible unless they are an essential part of the record.
5. Documents shall be imaged in a method that ensures they are reproducible in their original form, matching both size and color.
6. Notes and annotations deemed significant must be retained pursuant to federal law, state law, and/or the City's current RRS, shall be scanned and managed as a part of the electronic record.
 - i. If not already inserted within the document, loose notes to be included in the scanned document will be placed in order at the back of the document before scanning.
 - ii. Any page containing sticky or otherwise attached note(s) will be copied with the notes in place. Before scanning, a photocopy of the page with the note(s) in place will be made, and then scanned with the notes removed from the original document. In this way, the City will retain both a clean copy of the document and a copy of the page with note(s) in place as an appended and linked version.
7. Staff may employ a digitized record enhancement technique which is commonly used in scanning software, including, but not limited to, deskew, despeckle, crop, and rotate; however, staff shall not use an enhancement technique if it alters the content that exists in an original record.
8. All pages shall be rotated right-side up for viewing purposes.

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- c. Naming electronic documents. All records placed into the EDMS shall be named pursuant to naming conventions set forth by the City Clerk's Office. The naming conventions are critical and must be followed to ensure document consistency and accuracy.
- d. Indexing. An electronic template will be used to gather the relevant information about each record. The indexed information will be used to facilitate document search and sort capabilities.
- e. Optical Character Recognition (OCR) will be performed on every predominantly text-based document scanned into the EDMS. While OCR is applied to all text-based documents, staff should be aware that OCR accuracy may vary depending on source quality. Critical documents must be reviewed post-OCR to ensure content remains accessible and properly indexed.
- f. Quality Control and Assurance
 - 1. Imaged records will be verified as accurate and complete by Department staff before finalizing their placement in the EDMS. Department staff shall review and verify that each image of each page of the record is a true and accurate copy of the original record that can be reproduced from the electronic record with full legibility and the data field information is accurate. Images shall be checked for document name, legible images, paper size scanned, number of pages, blank pages, and page rotation.
 - 2. When possible, staff shall not quality check their own scans. Scans should be quality-checked by a staff person other than the staff person who originally scanned the electronic documents.
 - 3. If unable to scan accurate and complete quality images of the record, the original paper record shall be retained as the original record and managed pursuant to the City's Record Retention Schedule.

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g. Destruction of Records after Reproduction

In accordance with Government Code Section 34090.5, the City may dispose of the Paper Records, if all of the following conditions are met:

1. The device used to reproduce the Paper Record on film, optical disk, or any other medium is one which accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document text and images.
2. The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are made as accessible for public reference as the original records were.
3. A true copy of archival quality of the film, optical disk, or any other medium reproductions shall be kept in a safe and separate place for security purposes.
4. Poor-quality documents shall be scanned and noted as illegible or noted as having a poor source original. The electronic version shall be a true and correct copy of the original and shall be permanently preserved as an electronic record.
5. Every reproduction shall be deemed to be an Original Record and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy of the original.
6. Compliance with these procedures ensures that every reproduction is deemed an original record.

A completed Destruction Approval Form, including Certificate of Destruction, will be attached to the corresponding index of the records destroyed. The original Approval Form and corresponding Certificate of Destruction will be maintained by the City Clerk. This will provide a record of what records were destroyed, when they were destroyed, and by what legal authority they were destroyed.

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Procedure for Storing Electronically Originated Records in EDMS

- a. City records that exist electronically may be stored in the EDMS if they can be converted electronically to TIFF or PDF format.
 - 1. Conversion should be performed with a minimum 300 dots per inch (DPI) and adjusted higher, on an individual record basis, to provide accurate and complete reproduction. For image files coming from other formats, such as JPEG, BMP, or GIF, the resolution should be adjusted to closely match the DPI of the original image file.
 - 2. If an electronic record cannot be converted to TIFF or PDF format, such records should be printed and the instructions followed for converting and storing a paper record.
 - 3. If electronic submissions for maps, design plans, or other architectural drawings will be accepted from the public with the intent of storing the record in the EDMS, such submissions shall be of the highest possible resolution and quality in PDF format, with a minimum 300 DPI.
- b. Records without a permanent retention and/or retention period less than two years pursuant to the City 's RRS shall not be placed in the EDMS. Unless a draft is being retained as an Official Record, preliminary drafts should not be stored into the EDMS.
- c. Department staff is responsible for converting and storing permanent records and indexing that department's electronic records into the EDMS. The information attached to each record through indexing will include at least its name, date, and retention period.
- d. Optical Character Recognition. Optical Character Recognition (OCR) will be performed on every predominantly text-based electronic document converted and stored into the EDMS.
- e. Quality Control and Assurance. Once an electronic record is converted and stored in the EDMS, the City Clerk's Office reserves the right to perform periodic audits of scanned documents to ensure compliance with Trusted System protocols.

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f. Duplicates stored on City server and/or cloud-based storage. Once an electronic record is converted and stored in the EDMS, the electronic record on the City's server and/or cloud-based storage may be deleted as a duplicate.

Revised: _____, Resolution No. _____

Revised: November 28, 2017, Resolution No. 18180

Revised: June 12, 2001, Resolution No. 16609

Revised: March 8, 1976, Resolution No. 10843

Effective Date: April 28, 1975, Resolution No. 10460

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