



Council Meeting: March 23, 2010

**SUBJECT: A Resolution of the City Council of the City of Sunnyvale
Adopting a Records Destruction Protocol**

BACKGROUND

On February 23, 2010, Council approved Resolution No. 420-10 adopting the citywide records retention and destruction schedule. A records retention and destruction schedule is a key component of a records management program. Effective records management provides for the efficient and economical management of public records and ensures records are retained until they no longer have administrative, fiscal or legal value.

This Report to Council requests Council adopt a companion Records Destruction Protocol by resolution. The protocol will provide policy guidance to staff in the development of operational procedures for use by all City departments.

EXISTING POLICY

Resolution No. 420-10 Resolution Adopting a Citywide Records Retention and Destruction Schedule.

Administrative Policy Manual, Chapter 5, Article 5 establishes the City's records management program for the identification, organization, maintenance, protection and disposition or preservation of all City records.

DISCUSSION

The action requested will provide direction for the implementation of the newly-adopted Citywide records retention and destruction schedule.

The records destruction protocol, with the records retention and destruction schedule will provide the essential tools for Sunnyvale staff to implement standardized, effective and economical records management. Adoption of the proposed resolution (*Attachment A*) will provide the formal structure by which the records retention and destruction schedule will be administered.

FISCAL IMPACT

Adoption of the proposed resolution will not incur an expense to the City, but will result in significant long-term cost savings with the reduction of records stored internally and externally at off-site storage facilities.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. Adopt a Resolution of the City Council of the City of Sunnyvale Adopting a Records Destruction Protocol as submitted (Attachment A).
2. Adopt a Resolution of the City Council of the City of Sunnyvale Adopting a Records Destruction Protocol with modifications (Attachment A).

RECOMMENDATION

Staff recommends Alternative 1: Adopt a Resolution of the City Council of the City of Sunnyvale Adopting a Records Destruction Protocol as submitted (*Attachment A*).

Reviewed by:

Robert Walker, Assistant City Manager
Prepared by: Kathleen Franco Simmons, City Clerk

Approved by:

Gary M. Luebbbers, City Manager

Attachments

- A. A Resolution of the City Council of the City of Sunnyvale Adopting a Records Destruction Protocol (*Attachment A*).

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SUNNYVALE
ADOPTING A RECORDS DESTRUCTION
PROTOCOL**

WHEREAS, it is necessary for the efficient operation of the City to follow a procedure for the retention of certain vital City documents and other records, as well as follow a schedule for the destruction of records, in accordance with Federal and State Regulations; and

WHEREAS, effective records management ensures that records are kept only as long as they have some administrative, fiscal, historical or legal value; and

WHEREAS, upon a resolution being adopted by a governing body, Government Code Section 34090, *et seq.* authorizes the head of a department, with the consent of the City Attorney, to destroy certain records under their charge that are no longer required, and further authorizes destruction of paper documents which are retained on other recognized and accepted media forms which do not permit additions, deletions or changes to the original document; and

WHEREAS, on February 23, 2010, the City Council adopted Resolution No. 420-10, a city-wide Records Retention Schedule.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Sunnyvale does hereby adopt a companion Records Destruction Protocol, a copy of which is attached hereto as Exhibit "A".

Adopted by the City Council at a regular meeting held on _____, 2010, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney

Exhibit "A"

RECORDS DESTRUCTION PROTOCOL

The designated Records Coordinator in each department or division will monitor its records list and prepare a Request for Destruction for the Department Director or Manager to review on an as-needed basis. The Request for Destruction shall include a corresponding index or list of the set of records proposed for destruction. The index should provide brief descriptors of each set of records and identify the record series and applicable date information. After review and approval by the Department Director or Manager, the Request for Destruction and corresponding indexes will be forwarded to the City Clerk.

The City Clerk will review the list for compliance with the records retention and destruction schedule and destruction protocol. After review, the City Clerk will forward the original to the City Attorney.

The City Attorney or designee will review the Request for Destruction. If the corresponding index does not sufficiently describe the records, the City Attorney may request a review of the actual documents. After the City Attorney or designee has reviewed the records and approved the Request for Destruction, the list is returned to the City Clerk for preparation of the Certificate of Destruction.

If the records are held at a secured storage facility, the City Clerk may coordinate with individual departments to retrieve the records for review and destruction according this protocol. Alternatively, the City Clerk may coordinate with individual departments to authorize and instruct the storage facility to destroy the records and recycle the waste.

A Certificate of Destruction will be prepared for all records destroyed. The Certificate of Destruction will be attached to the corresponding index of the records destroyed.

The original Certificate of Destruction and index will be maintained by the City Clerk and a copy will be provided to and retained by the department which generated the request. This will provide a record of what records were destroyed, when they were destroyed, and by what legal authority they were destroyed.