

RESOLUTIONNO. 00-02.

RESOLUTION OF THE SOUTH BAY CITIES COUNCIL OF  
GOVERNMENTS ADOPTING A RETENTION SCHEDULE FOR THE  
MAINTENANCE AND DISPOSITION OF RECORDS

WHEREAS, the keeping of numerous records is not necessary after a certain period of time for the effective and efficient operation of the government of the South Bay Cities Council of Governments ("SBCCOG");

WHEREAS, the approval of guidelines for the ongoing disposition of obsolete SBCCOG records will assist the SBCCOG in the effective management of records, as well as provide for the efficient review of records proposed for disposal; and

WHEREAS, Section 34090, et seq. of the Government Code of the State of California provides the parameters whereby any SBCCOG record which has served its purpose and is not longer required may be destroyed.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SOUTH BAY CITIES COUNCIL OF GOVERNMENTS FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

Section 1. The attached Records Retention Schedule, which is attached hereto and incorporated herein by this reference, is hereby approved.

Section 2. That the types of records identified in the Records Retention Schedule, generated or received by the SBCCOG are hereby authorized for disposition as outlined in that schedule, in accordance with Section 34090, et seq. of the Government Code of the State of California, upon the written consent of the SBCCOG Executive Director ("Executive Director") and SBCCOG Legal Counsel ("Legal Counsel"), and with the approval of the Board of Directors of the SBCCOG.

Section 3. That upon said written consent and approval, the SBCCOG Executive Director may destroy any SBCCOG record, document, instrument, book or paper, under his or her charge, without making a copy thereof after the same is no longer required. This resolution does not authorize the destruction of permanent records set forth in Government Code Section 34090, which include: (a) records affecting the title of real property or liens thereon; (b) court records on any subject where litigation is pending; (c) records required to be kept by statute; (d) records less than two years old; (e) the minutes, ordinances or resolutions of the legislative body or of the SBCCOG Board. The review by the Executive Director and Legal Counsel shall include the determination that the subject records no longer have any administrative value, legal value, evidential value, fiscal value or research and historical value.

Section 4. That the destruction of any record as provided for herein shall be by disposal, recycling, shredding or other effective method of destruction, as approved by the

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Executive Director. All records of a sensitive or confidential nature shall be shredded, under the direct supervision of the Executive Director.

Section 5. Pursuant to Section 34090.7 of the Government Code of the State of California, notwithstanding the provisions of Section 34090, the Board may prescribe a procedure under which duplicates of SBCCOG records less than two years old may be destroyed if they are no longer required.

Section 6. The Board hereby authorizes the SBCCOG Executive Director and SBCCOG Legal Counsel to destroy duplicate records, utilizing Exhibit "D," attached hereto.

Section 7. That the term "record" or "records," as defined in Government Code Section 14741 and as used herein, shall mean all papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by the SBCCOG, regardless of physical form or characteristics; that the term "public records," as defined in Government Code Section 6252 and used herein, shall include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the SBCCOG regardless of physical form or characteristics; and that the term "writing," as defined in Government Code Section 6252 and as used herein, shall mean handwriting, typewriting, printing, photostating, photographing and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbol, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

Section 8. That any records not specified in the Records Retention Schedule shall not be destroyed without the express approval of Legal Counsel and a resolution acted upon by the SBCCOG Board.

Section 9. That on each occasion that the Executive Director requests the destruction of records, such request shall be made on a "Request for Destruction of Records" form (see attached sample identified as Exhibit "A"). This form shall include the finding that all of the records are more than two years old and/or have been retained for the minimum retention period as specified in this resolution. This form shall include the determination that the records no longer have any administrative, legal, evidential, and fiscal or research and historical value. This form shall also indicate that it includes or has attached to it a detailed list of all of the records with a description sufficient for identification, including the year of the record, the numerical code from the Records Retention Schedule and category, and specific description of the record. The Executive Director and Legal Counsel shall authorize the destruction of records on a "Destruction List Approval" form (see attached sample identified as Exhibit "B"). This form shall include the determination that the records no longer have any administrative, legal, evidential, fiscal, research or historical value. This form shall also indicate that attached to it is the "Request for Destruction of Records" form and a detailed list of records submitted by the Executive Director. A "Certificate of Destruction" form (see attached sample form identified as Exhibit "C") shall be completed when the records have been destroyed. This form shall stipulate the date of the destruction, the destruction method used and who supervised the destruction. All

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three forms shall be maintained as permanent SBCCOG records in the Executive Director's office. While the attached sample forms may be changed periodically and may even be consolidated, each of them shall retain the titles shown and shall contain the required information specified in this section.

Section 10. The Records Retention Schedule shall be reviewed on an annual basis by the Executive Director. The review process shall include a legal analysis with regard to any changes in the various statutes. Following a thorough review, the Executive Director shall present the entire Records Retention Schedule with any recommended changes to the Board for approval.

Section 1. Pursuant to Government Code Section 6200 relating to offenses by official custodian, every officer having the custody of any record, map or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, is punishable by imprisonment in the state prison for two, three or four years if, as to the whole or any part of the record, map, book, paper or proceeding, the officer willfully does or permits any other person to do any of the following: (a) steal, remove or secrete; (b) destroy, mutilate or deface; or (c) alter or falsify. Pursuant to Section 6201, relating to offenses by persons other than custodial officers, every person not an officer referred to in Section 6200, who is guilty of any of the acts specified in that section, is punishable by imprisonment in the state prison, or in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

Section 12. That this resolution shall be in full force and effect immediately upon its passage and adoption thereof.

Section 13. The Executive Director of the SBCCOG shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED, and ADOPTED this day of October 26, 2000.

Chairperson

ATTEST:

**SAMPLE FORM - EXHIBIT "A"**  
**REQUEST FOR DESTRUCTION OF RECORDS**

Listed below and/or attached is a detailed list of records for which I am requesting destruction. The list includes a description of each record sufficient for identification, including the retention schedule item no., record series title and contents, record dates, retention requirements and destruction date. Unless otherwise directed is the method of destruction proposed.

I hereby certify that the records listed below and/or attached are more than two years old and/or have been retained for the minimum retention period specified in Resolution No.\_\_\_\_\_. I further certify' that the records listed no longer have any administrative, legal, evidential, fiscal or research and historic value and do not affect the title to real property or liens thereon, are not court records, are not, to my knowledge, required to be kept further by a statute, are not the minutes, ordinances or resolutions of the SBCCOG Board or of any Committee or Standing Committee, and are no longer required by the SBCCOG. I request authority to destroy same pursuant to Section 34090 of the California Government Code.

<u>Box No.</u>	<u>Record Series Title &amp; Contents</u>	<u>Retention Schedule Date(s) of Item No. Records</u>	<u>Retention Requirements</u>	<u>Date</u>	<u>Destruction</u>
I	Correspondence	4	1991-1992	2 years	1995

\_\_\_\_\_  
 SBCCOG Executive Director

\_\_\_\_\_  
 Date

**SAMPLE FORM - EXHIBIT "A "**

**SAMPLE FORM – EXHIBIT “B”**

**DESTRUCTION LIST APPROVAL**

Attached is a Request for Destruction of Records submitted by the SBCCOG Executive Director, dated \_\_\_\_\_ requesting authorization to destroy the records described in the detailed list which is included with the (attached) request.

Pursuant to SBCCOG Resolution No 00- the types of records listed in the SBCCOG's current records retention schedule are authorized for disposition as outlined in that schedule upon the written consent of the Executive Director and Legal Counsel. The review by the Executive Director and Legal Counsel must include the determination that the records requested for destruction no longer have any administrative value, legal value, evidential value, fiscal value, or research and historical value. The resolution also provides that the destruction of any record shall be by disposal, recycling, shredding or other effective method of destruction, as approved by the Executive Director. All records of a sensitive or confidential nature must be shredded, under the direct supervision of the Executive Director.

I have reviewed the list of records described in the attached request for destruction and have found the listed records to be in compliance with the established retention requirements. I have also determined that the subject records no longer have any administrative, legal, evidential, fiscal, or research and historical value. I hereby consent to their destruction and to the department-proposed method of destruction unless otherwise noted below.

\_\_\_\_\_  
SBCCOG Executive Director

Date

I have reviewed the list of records described in the attached request for destruction and have found the listed records to be in compliance with the established retention requirements. I have also determined that the subject records no longer have any administrative, legal, evidential, fiscal, or research and historical value. I hereby consent to their destruction.

\_\_\_\_\_  
SBCCOG Legal Counsel

Date

**SAMPLE FORM - EXHIBIT "B"**

**SAMPLE FORM - EXHIBIT "C"**

**CERTIFICATE OF DESTRUCTION**

I hereby certify~ that the destruction of the records described in the attached list was approved by the SBCCOG Executive Director on (date) \_\_\_\_\_ and by the SBCCOG Legal Counsel pursuant to the authority provided by the SBCCOG Resolution No.00-\_\_\_\_. The approved method of destruction for these records is \_\_\_\_\_

\_\_\_\_\_  
SBCCOG Executive Director

\_\_\_\_\_  
Date

I hereby certify~ that, pursuant to the foregoing authority, the records described in the attached list were destroyed on (date) \_\_\_\_\_. I further certify~ that the method of destruction used was \_\_\_\_\_ and that I supervised the destruction of said records.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

This certification must be completed and signed by the person supervising the destruction of records and the original form must be filed with the SBCCOG Executive Director to be maintained as a permanent record attached to the original Request for Destruction of Records to be maintained as a permanent record attached to the original Request for Destruction of Records and Destruction List Approval forms.