

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO CREATE ROLES AND
RESPONSIBILITIES FOR THE CITYWIDE RECORDS
MANAGEMENT PROGRAM

WHEREAS, the declared purpose of this Resolution is to provide direction to City Officials, employees, contractors, and volunteers for the proper and efficient management of the City of Fresno's business records consistent with the requirement of State Law including California Government Code Sections 6250, et seq., "Public Records Act"; and

WHEREAS, California Government Code Section 34090, et seq., sets forth certain legal requirements relating to the retention of certain municipal records and provides a procedure whereby City records that have served their purpose and are no longer required may be destroyed; and

WHEREAS, California Government Code Section 12236(a) states that the Secretary of State shall establish the Local Government Records Program, administered by the State Archives, to establish guidelines for local government retention and to provide archival support to local agencies in this state; and

WHEREAS, California Government Code Sections 12168.7 and 22620 et seq., set forth uniform statewide standards for the recording, storing and reproducing permanent and nonpermanent documents or records in electronic media and these procedures are applied to City records stored in the City's LaserFiche Repository Document Management System to ensure all City records are trustworthy; and

WHEREAS, the City's Records Management Program will facilitate the orderly and efficient transfer, retention, and disposition of the City of Fresno's records in a responsible and timely manner.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City Council finds that the Citywide Records Management Program set forth in Exhibit "A", attached hereto and incorporated by reference, is hereby adopted.

2. Ownership of City Records: All writings containing information relating to the conduct of the City's business prepared, owned, used, or retained by the City regardless of physical form or characteristics are the property of the City and shall be delivered to their successors by outgoing officials, employees, contractors, or volunteers.

3. Responsibilities:

A. City Council. The approval of the Citywide Records Management Program for the keeping, producing, permitting copies, and management of all records of the City shall rest with the City Council.

B. Officers and Employees. Each officer, employee, contractor, or volunteer of the City has the duty to use, manage, protect, preserve, store, transfer, destroy or otherwise dispose of City records in accordance with applicable federal or state laws.

C. City Attorney. The City Attorney shall inform appropriate staff of litigation holds for potential, pending, and current litigation, and work with the City Clerk to properly handle held records through the end of litigation.

D. City Clerk. The City Clerk shall implement the City's Records Management Program by providing training to City employees and keeping the City's records retention schedule up to date. The City Clerk will review and approve department retention and destruction schedules. The City Clerk shall manage the Citywide Records Management Program for the City pursuant to applicable statutes.

E. City Departments. Each City department shall adhere to the records management program, policies, and procedures for the economical and efficient management of records to maintain compliance with the Citywide Records Management Program.

4. Retention and Destruction of City Records: As set forth in the approved Records Retention Schedule, the records of the City of Fresno are hereby authorized to be destroyed as provided by Government Code Section 34090 and code cited for retention in accordance with the provisions of said schedule. No further action by City Council is required, provided that no records are destroyed without the prior written approval of the City Clerk.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Brandon M. Collet Date
Senior Deputy

Attachment: Exhibit A