

**STAFF REPORT**  
**City of Lancaster**

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MVB

Date: August 9, 2011

To: Mayor Parris and City Council Members

From: Geri K. Bryan, CMC, City Clerk

Subject: **Resolution Authorizing the Destruction of Certain Records**

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**Recommendation:**

Adopt **Resolution No. 11-55**, authorizing the destruction of certain records (Home Occupation Permits, Public Records Requests, Records Center Documentation, Closed Session, Appeals, Speaker Cards, Insurance City as Additional Insured, Precinct Election Records, Absentee Voting, Ballots, Precinct Board Records, Commissions, City Property Damage Claims, Claims Against the City, Roster of Voters, Inspector Receipts, Recruitment Files, Workers Compensation, Job Classification Descriptions, Risk Management Agendas, CARES Program, Recreation Log Books, Sports, Registration-Recreation Program, Enrichment Centers, Poppy Festival, Maintenance Log Books, Repetitive Maintenance Reports, Special Events, Pesticide Usage Reports, LPAC – Contracts; Performers & Rental Uses, Awards Submittals, Payroll Registers, Plans & Plan Checks).

**Fiscal Impact:**

None.

**Background:**

Section 34090 of the Government Code provides a procedure whereby any City record, which has served its purpose and is no longer required, may be destroyed. The City Council adopted a Records Retention Schedule on September 12, 2000. In accordance with the Records Retention Schedule, records that no longer are needed and no longer serve any useful purpose are destroyed. After a thorough review of the Records Retention Schedule, it has been determined that certain records for Planning, City Clerk, Human Resources, Administration, Parks, Recreation & Arts, Finance and Public Works are ready for destruction. Lists of the records are attached to the Resolution as Exhibits A, B, C, D, E, F and G.

The retention of election materials is governed by the provisions of the Elections Code Sections 17302, 17304 and 17306. Section 17302 requires the election official to keep (1) voted polling place ballots; (2) paper record copies, as defined by Section 19251, if any, of voted polling place ballots; (3) voted vote by mail voter ballots; (4) vote by mail voter identification envelopes; (5) voted provisional voter ballots; (6) provisions ballot voter identification envelopes; (7) spoiled ballots; (8) canceled ballots; (9) unused vote by mail ballots surrendered by the voter pursuant to Section 3015; and (10) ballot receipts unopened and unaltered for a period of six months. If no election contest or criminal proceeding is commenced, these materials shall be destroyed. Section 17304 requires that (1) two tally sheets; (2) the copy of the index used as the voting record; the challenge lists; and the assisted voters' list be preserved for a period of six months. These materials are open to inspection by the public. If no election contest or criminal proceeding is filed, such documents may be destroyed. Finally, Section 17306 provides that upon completion of counting, all ballot cards are to be arranged by precincts and kept for six months or during the pendency of any election contest or criminal proceeding, after which, if the election official so determines, the election official shall determine the proper disposition of the ballots.

The Records Retention Schedule is consistent with the requirements of the above described Elections Code provisions and requires the destruction of the election materials as listed on Attachment B.

**Attachment:**

Resolution No. 11-55

GKB:ba