

RESOLUTION NO. 15-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AUTHORIZING DESTRUCTION OF CERTAIN RECORDS (CITY PROPERTY DAMAGE CLAIMS, RECRUITMENT FILES, CLAIMS AGAINST THE CITY, RISK MANAGEMENT AGENDAS, WORKER'S COMPENSATION, UNEMPLOYMENT INSURANCE, PERSONNEL FILES, SERVICE REQUESTS, SPORTS, SPECIAL PROGRAMS, SPECIAL EVENTS, REPETITIVE MAINTENANCE REPORTS, REGISTRATION-RECREATION PROGRAMS, SPECIAL CLASSES-ENRICHMENT CENTERS, REFUNDS – RECREATION PROGRAMS, RECREATION-CITY FACILITY USE, RECREATION LOG BOOKS, SUMMER DAY CAMP, CARES PROGRAM, PESTICIDE USAGE REPORTS, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, ACCIDENT/INCIDENT/DAMAGE REPORTS, ACCOUNTS PAYABLE, ACCOUNTS RECEIVABLE, BUSINESS LICENSE FILES, BANKING RECORDS, FINANCIAL REPORTS, PAYROLL, PAYROLL EMPLOYEE FILES, PAYROLL – REGISTERS, PURCHASE ORDERS, ABSENTEE VOTING, BALLOTS, INSPECTOR RECEIPTS, PRECINCT BOARD RECORDS, PRECINCT ELECTION RECORDS, SPEAKER CARDS, CLOSED SESSION, APPEALS, PUBLIC RECORDS REQUESTS, RECORDS CENTER DOCUMENTATION, SUBPOENAS, INSURANCE-CITY AS ADDITIONAL INSURED, ROSTER OF VOTERS, AFFIDAVITS OF PUBLICATION, INSURANCE-CITY AS INSURED, CORRESPONDENCE, TELEPHONE ACCOUNTS, COMMUNITY SERVICE GRANT, ENTERPRISE ZONE VOUCHERS, PLANS AND PLAN CHECKS)

WHEREAS, Government Code Section 34090 et. seq, authorizes the City Council to destroy those City records, documents, and supplies after the same are no longer required, with the approval of the Legislative Body by resolution, and the written consent of the City Attorney;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The City Council finds that the records set forth in "Exhibit A" (City Property Damage Claims) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than active plus two years.

Section 2. The City Council finds that the records set forth in "Exhibit A" (Recruitment Files) attached hereto and incorporated by reference, are eligible under Government Code § 12946, 29 CFR 1602, 29 CFR 1608, 29 CFR 1627.3 for destruction and are older than while current plus three years.

Section 3. The City Council finds that the records set forth in "Exhibit A" (Claims Against the City) attached hereto and incorporated by reference, are eligible under Government Code § 34090, 25105.5 for destruction and are older than active plus five years.

Section 4. The City Council finds that the records set forth in "Exhibit A" (Risk Management Agendas) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current year plus five years.

Section 5. The City Council finds that the records set forth in "Exhibit A" (Worker's Compensation) attached hereto and incorporated by reference, are eligible under California Code of Regulations 15400.2, 29 CFR 1904.33 for destruction and are older than while current plus five years.

Section 6. The City Council finds that the records set forth in "Exhibit A" (Unemployment Insurance) attached hereto and incorporated by reference, are eligible under 29 United States Code § 1027 and 29 CFR § 1627.3 for destruction and are older than while current plus ten years.

Section 7. The City Council finds that the records set forth in "Exhibit A" (Personnel Files) attached hereto and incorporated by reference, are eligible under 29 CFR 655.202; 29 CFR 516.6 et seq; 29 CFR 1627.3; 45 CFR 1068.6 for destruction and are older than while current plus thirty years.

Section 8. The City Council finds that the records set forth in "Exhibit B" (Service Requests) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than two years.

Section 9. The City Council finds that the records set forth in "Exhibit B" (Sports) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than two years plus annual review.

Section 10. The City Council finds that the records set forth in "Exhibit B" (Special Programs) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus two years.

Section 11. The City Council finds that the records set forth in "Exhibit B" (Special Events) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus two years.

Section 12. The City Council finds that the records set forth in "Exhibit B" (Repetitive Maintenance Reports) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus two years plus annual review.

Section 13. The City Council finds that the records set forth in "Exhibit B" (Registration-Recreation Programs) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus two years.

Section 14. The City Council finds that the records set forth in "Exhibit B" (Special Classes-Enrichment Centers) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus two years.

Section 15. The City Council finds that the records set forth in "Exhibit B" (Refunds-Recreation Programs) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus two years.

Section 16. The City Council finds that the records set forth in "Exhibit B" (Recreation- City Facility Use) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus four years.

Section 17. The City Council finds that the records set forth in "Exhibit B" (Recreation Log Books) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus five years.

Section 18. The City Council finds that the records set forth in "Exhibit B" (Summer Day Camp) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus five years.

Section 19. The City Council finds that the records set forth in "Exhibit B" (CARES Program) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus five years.

Section 20. The City Council finds that the records set forth in "Exhibit B" (Pesticide Usage Reports) attached hereto and incorporated by reference, are eligible under Health and Safety Code 100575, BPC 8505.13 for destruction and are older than current year plus five years.

Section 21. The City Council finds that the records set forth in "Exhibit B" (Community Development Block Grant Program) attached hereto and incorporated by reference, are eligible under Government Code § 34090; OMB Cir. A-110, Attach. C; OMB Cir. A 102 & 128; HUD Regulations for destruction and are older than audit plus five years.

Section 22. The City Council finds that the records set forth in "Exhibit B" (Accident/Incident/Damage Reports) attached hereto and incorporated by reference, are eligible under 29 CFR 1904.2 and 29 CFR 1904.6 for destruction and are older than while current plus seven years.

Section 23. The City Council finds that the records set forth in "Exhibit C" (Accounts Payable) attached hereto and incorporated by reference, are eligible under Government Code § 34090, 40802 and 34090.7 for destruction and are older than audit plus five years.

Section 24. The City Council finds that the records set forth in "Exhibit C" (Accounts Receivable) attached hereto and incorporated by reference, are eligible under Government Code § 34090, 40802 and 41 CFR 29-70.203-2 for destruction and are older than audit plus three years.

Section 25. The City Council finds that the records set forth in "Exhibit C" (Business License Files) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than term plus three years.

Section 26. The City Council finds that the records set forth in "Exhibit C" (Banking Records) attached hereto and incorporated by reference, are eligible under Government Code § 34090, 26 CFR 16001-1, CCP 337, FC 3368, 30210 and Government Code § 43900 et seq. for destruction and are older than audit plus five years.

Section 27. The City Council finds that the records set forth in "Exhibit C" (Financial Reports) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than audit plus five years.

Section 28. The City Council finds that the records set forth in "Exhibit C" (Payroll) attached hereto and incorporated by reference, are eligible under Government Code § 34090; 26 CFR 16001.1, 29 CFR 1627.3(s); 29 CFR 516.2; 41 CFR 50-201.501; 20 CFR 516.1(1); 29 CFR 655.202; IRS Reg 31.6001-1(e)(z); R&T 19530; LC 1174(d) for destruction and are older than audit plus five years.

Section 29. The City Council finds that the records set forth in "Exhibit C" (Payroll Employee Files) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than termination plus five years.

Section 30. The City Council finds that the records set forth in "Exhibit C" (Payroll Registers) attached hereto and incorporated by reference, are eligible under Government Code § 34090, CAC 22-1085-2, 26 CFR 31.6001-1, 29 CFR 516.5, 516.6, LC 1174(d) for destruction and are older than audit plus ten years.

Section 31. The City Council finds that the records set forth in "Exhibit C" (Purchase Orders) attached hereto and incorporated by reference, are eligible under Government Code § 34090 and CCP 337 for destruction and are older than audit plus three years.

Section 32. The City Council finds that the records set forth in "Exhibit D" (Absentee Voting) attached hereto and incorporated by reference, are eligible under Election Code § 17505(b) for destruction and are older than while current plus six months.

Section 33. The City Council finds that the records set forth in "Exhibit D" (Ballots) attached hereto and incorporated by reference, are eligible under Election Code § 17302, 17306 for destruction and are older than while plus six months.

Section 34. The City Council finds that the records set forth in "Exhibit D" (Inspector Receipts) attached hereto and incorporated by reference, are eligible under Election Code § 17302 for destruction and are older than while current plus six months.

Section 35. The City Council finds that the records set forth in "Exhibit D" (Precinct Board Records) attached hereto and incorporated by reference, are eligible under Election Code § 17503(b) for destruction and are older than while current plus six months.

Section 36. The City Council finds that the records set forth in "Exhibit D" (Precinct Election Records) attached hereto and incorporated by reference, are eligible under Election Code § 17304(b) for destruction and are older than while current plus six months.

Section 37. The City Council finds that the records set forth in "Exhibit D" (Speaker Cards) attached hereto and incorporated by reference, are eligible under Government Code § 34090.7 for destruction and are older than six months.

Section 38. The City Council finds that the records set forth in "Exhibit D" (Closed Session) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than two years.

Section 39. The City Council finds that the records set forth in "Exhibit D" (Appeals) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than active plus two years.

Section 40. The City Council finds that the records set forth in "Exhibit D" (Public Records Request) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than two years.

Section 41. The City Council finds that the records set forth in "Exhibit D" (Records Center Documentation) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than two years.

Section 42. The City Council finds that the records set forth in "Exhibit D" (Subpoenas) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than active plus three years.

Section 43. The City Council finds that the records set forth in "Exhibit D" (Insurance – City as Additional Insured) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than term plus three years.

Section 44. The City Council finds that the records set forth in "Exhibit D" (Roster of Voters) attached hereto and incorporated by reference, are eligible under Election Code § 17300(a) for destruction and are older than while current plus five years.

Section 45. The City Council finds that the records set forth in "Exhibit D" (Affidavits of Publication) attached hereto and incorporated by reference, are eligible under Government Code § 34090, CCP 343, 349 et seq. for destruction and are older than current year plus seven years.

Section 46. The City Council finds that the records set forth in "Exhibit D" (Insurance – City as Insured) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than term plus ten years.

Section 47. The City Council finds that the records set forth in "Exhibit E" (Correspondence) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than current year plus two years plus annual review.

Section 48. The City Council finds that the records set forth in "Exhibit E" (Telephone Accounts) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than five years.

Section 49. The City Council finds that the records set forth in "Exhibit E" (Community Service Grant) attached hereto and incorporated by reference, are eligible under Government Code § 34090 for destruction and are older than while current plus five years.

Section 50. The City Council finds that the records set forth in "Exhibit F" (Enterprise Zone Vouchers) attached hereto and incorporated by reference, are eligible under 25 CCR 8463 for destruction and are older than five years.

Section 51. The City Council finds that the records set forth in "Exhibit G" (Plans and Plan Checks) attached hereto and incorporated by reference, are eligible under Government Code § 34090, H & S 19850 for destruction and are older than current year plus two years.

Section 52. The City Council of the City of Lancaster does hereby authorize the City Clerk to destroy those eligible records, documents, books or papers described in "Exhibits A, B, C, D, E, F and G."

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
BRITT AVRIT, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            }  
COUNTY OF LOS ANGELES       }ss  
CITY OF LANCASTER             }

CERTIFICATION OF RESOLUTION  
CITY COUNCIL

I, \_\_\_\_\_, \_\_\_\_\_ City of Lancaster, California,  
do hereby certify that this is a true and correct copy of the original Resolution No. 15-38, for  
which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_