

ORDINANCE NUMBER O- 20221 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 27 2012

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 26 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.2601; BY REPEALING SECTIONS 22.2602 AND 22.2603; BY AMENDING AND RENUMBERING SECTION 22.2604 TO 22.2602; BY ADDING NEW SECTIONS 22.2603 AND 22.2604; BY AMENDING SECTION 22.2605; BY REPEALING SECTIONS 22.2606 AND 22.2607; BY ADDING NEW SECTIONS 22.2606 AND 22.2607; BY AMENDING SECTION 22.2608; AND BY REPEALING SECTION 22.2609 ALL RELATING TO THE RETENTION AND DISPOSITION OF CITY RECORDS.

WHEREAS, the City of San Diego established a Citywide Records Management Program in 1980 pursuant to San Diego Resolution R-250975 (Jan. 14, 1980); and

WHEREAS, the City Council approved procedures governing the management of City records in 1982, codified in San Diego Municipal Code sections 22.2601 through 22.2609 pursuant to San Diego Ordinance O-15761 (June 14, 1982); and

WHEREAS, the Council approved minor amendments to the San Diego Municipal Code concerning records management procedures in 1987, 1995, and 2003, but has not substantively updated these provisions in more than thirty years; and

WHEREAS, this ordinance updates the San Diego Municipal Code to address evolving records management procedures and technologies; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending section 22.2601, to read as follows:

§22.2601 General Purpose

This Division establishes a *Records Management Program* that complies with local, state, and federal laws and regulations relating to the retention and disposition of public *records*.

Section 2. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by repealing sections 22.2602 and 22.2603.

Section 3. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending and renumbering section 22.2604 to 22.2602, to read as follows:

§22.2602 Definitions

For the purpose of this Division, the following definitions shall apply. Defined terms appear in italics.

Appraise means the process of evaluating *records* to determine their *retention period* based on administrative, legal, operational, fiscal, and historical value.

Department means every mayoral and independent City department and the City Council Districts.

Disposition means a final administrative action taken with regard to *records* following their *appraisal*, including transfer from a *department* to the City Clerk's records center, permanent preservation, and destruction.

Duplicate record means a reproduction of an original *record*, regardless of whether the *duplicate record* is in the same physical form as the original.

Historical record means a *record* worthy of continued preservation because of its administrative, legal, operational, fiscal, or historical content.

Legal hold means a communication issued by the City as a result of current or anticipated litigation, a notice of audit, or a government investigation.

Nonrecord means a *record* which is not required to be retained in the ordinary course of City business or is a temporary aid and does not appear in the *Records Disposition Schedule*. *Nonrecords* include, but are not limited to, the following:

- (1) Brochures, catalogs, pamphlets, and other documents usually received by mail that have no substantive value to the City.
- (2) Electronic mail, instant messages, and voicemail that are not created for the purpose of preserving documentary or informational content for future use by the City.
- (3) Information received by the City from electronic mailing lists, services, third parties, and news groups.
- (4) Notes, worksheets, and rough drafts used as temporary aids by City staff for their convenience and not retained in the ordinary course of business.
- (5) Blank or obsolete copies of purchase requisitions, travel reimbursement requests, and other forms that would be considered *records* when completed for a specific business purpose.

(6) Materials and publications, such as copies of books or periodicals, that are acquired and maintained solely for general reference purposes rather than to support a specific City operation.

(7) Extra copies of documents already maintained in an official file.

Record means recorded information of any kind and in any form, created or received by the City that is evidence of its operations. *Records* include paper and electronic documents, electronic databases, electronic mail, correspondence, forms, photographs, film, sound recordings, maps, and other documents that have administrative, legal, operational, fiscal, or historical value requiring retention of the *record* for a specified period of time.

Records Disposition Schedule means a comprehensive list of *records series* that is unique to a *department*, and a comprehensive list of *records series* common to most *departments*.

Records Management Program means a systematic method of tracking *records* from creation, use, and maintenance to their final *disposition* through a classification and filing system.

Records series means a group of logically related *records* that typically consist of multiple documents, folders, or items which are used, indexed, or filed together, sent to storage upon becoming inactive, or not otherwise retained.

Retention period means the length of time a *record* must be kept to meet administrative, legal, operational, fiscal, or historical requirements.

Vital record means any recorded information that is essential for the continuation of a *department's* core functions in the event of a disaster or to protect the rights of the City and its citizens. *Vital records* include the San Diego Charter; the San Diego Municipal Code; meeting minutes, ordinances or resolutions of the City Council; published City Attorney Memoranda or Opinions; deeds; leases; certificates of annexations; and the annual budget adopted by the City of San Diego.

Section 4. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by adding new sections 22.2603 and 22.2604, to read as follows:

22.2603 City Clerk's Responsibilities

The City Clerk's responsibilities include:

- (1) Administration of the *Records Management Program*;
- (2) Development and circulation of policies and procedures pertinent to the *Records Management Program*;
- (3) Biennial Citywide training for records coordinators to update their respective *departments' Records Disposition Schedule*;
- (4) Maintenance and oversight of the *Records Disposition Schedule*; and
- (5) Operation of the City Clerk's records center.

§22.2604 Department Director's Responsibilities

Department directors are responsible for appointing a records coordinator for their *department, records retention, inventorying records, archiving historical records, preserving vital records, and approving the destruction of department records.*

Section 5. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending section 22.2605, to read as follows:

§22.2605 Records Disposition Schedule

- (a) A *department* director may destroy any *record* under his or her charge in accordance with the *retention periods* set forth in the *Records Disposition Schedule* approved by resolution of the City Council.
- (b) The *department* director, City Attorney or designee, and City Clerk must approve revisions to an existing *Records Disposition Schedule*.
- (c) *Records* of a merged *department* are existing *records* for purposes of this Division.
- (d) A resolution evidencing City Council approval is required if a new *Records Disposition Schedule* is added or the *retention period* of a *record* is revised.

Section 6. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by repealing sections 22.2606 and 22.2607.

Section 7. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by adding new sections 22.2606 and 22.2607, to read as follows:

§22.2606 Retention of Records

- (a) *Records*, including but not limited to the following, shall be permanently retained:
 - (1) *Records* required to be permanently retained under state law;

- (2) The minutes, ordinances, or resolutions of the City Council or of a City board or commission; and
 - (3) *Records* required to be permanently retained under the *Records Disposition Schedule*.
- (b) *Records* for which a *retention period* is defined by local, state, or federal law or regulation shall be kept pursuant to that authority's stated *retention period*.
- (c) All *records* shall be retained in accordance with the *retention periods* set forth in the *Records Disposition Schedule*, or until termination of a *legal hold*.

§22.2607 Non-Retention of Records

- (a) A *record* shall be inventoried, *appraised*, and identified in the *Records Disposition Schedule* before a *department* director may determine whether to retain the *record*.
- (b) *Department* directors shall transfer *records* to the City Clerk's records center at the conclusion of their operational use.
- (c) *Departments* directors shall not retain *records* beyond the *retention period* unless a *legal hold* exists or if otherwise required by law.
- (d) *Department* directors shall destroy *records* at the end of a *retention period* as described in the *Records Disposition Schedule*.

Section 8. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending section 22.2608, to read as follows:

§22.2608 Copies of Records

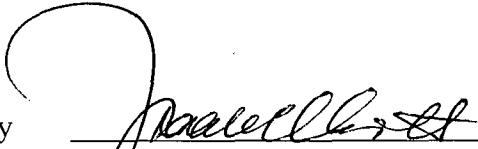
Copies of disclosable *records* shall be furnished to any person upon payment of any applicable copying or reproduction fee.

Section 9. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by repealing section 22.2609.

Section 10. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 11. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Mara W. Elliott
Deputy City Attorney

MWE:jab
10/08/2012
Or.Dept: City Clerk
Doc. No. 442036

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 11/27/12.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11.27.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor