

Hem#53 7/10/2018

ORDINANCE NUMBER O- 20950 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 20 2018

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 26 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 22.2601 AND 22.2602; AMENDING AND RENUMBERING SECTION 22.2603; AMENDING SECTION 22.2604; RETITLING AND AMENDING SECTION 22.2605; AND AMENDING SECTIONS 22.2606 AND 22.2607, RELATING TO PROCEDURES GOVERNING THE MANAGEMENT OF CITY RECORDS.

WHEREAS, a viable records management program is vital to minimizing the risk of loss, deterioration or destruction of important documents that serve to promote transparency, protect rights, ensure accountability, and trace historical events; and

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

WHEREAS, the City Council approved the procedures governing the management of City records in 1982, codified in San Diego Municipal Code (SDMC or Municipal Code) sections 22.2601 through 22.2609; and

WHEREAS, the City Council approved Municipal Code amendments concerning records management procedures in 1987, 1995, 2003, and more recently in 2012 by San Diego Ordinance O-20221 (Nov. 27, 2012); and

WHEREAS, this ordinance updates the Municipal Code to address evolving records management procedures and technologies, including the creation of a Master Records Schedule; and

WHEREAS, the Master Records Schedule will be a single, comprehensive records schedule, transitioning from the current system of a citywide General Records Disposition Schedule and individual departments' Records Disposition Schedules; and

WHEREAS, this transition is expected to take five years; and

WHEREAS, City departments will continue to follow the General Records Disposition Schedule and their individual department's Records Disposition Schedule until a department's transition to the Master Records Schedule is complete; NOW, THEREFORE,

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

Section 1. Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending sections 22.2601 and 22.2602, 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, and which shall also be subject to the City Clerk's Administrative Guidelines Section 65: Records Disposition.

§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.

City Clerk Archives means the location used by the City Clerk for keeping the City of San Diego's identified *historical records*.

Department means every City department, including the City Council District offices.

Department Retention File Plan is a list of *record series* derived from the *Master Records Schedule* applicable to a City *department*.

Disposition through *Legal hold* [No change in text.]

Master Records Schedule is a citywide comprehensive retention schedule that categorizes *record series* by business function.

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 *Master Records 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 [No change in text.]

Records Management Program through Retention period [No change in text.]

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.

Section 2. Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending and renumbering section §22.2603, 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) Annual *records* training for *records* coordinators;
- (4) Training every three (3) years for *records* coordinators regarding updates to the *Department Retention File Plan*;
- (5) Maintenance and oversight of the *Master Records Schedule*;
- (6) Operating the City Clerk's records center; and

- (7) Operating the *City Clerk Archives* for access, determining which *records* to include in the *City Clerk Archives*, and preserving the City of San Diego's *historical records*.

Section 3. Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending section §22:2604, to read as follows:

§22.2604 Department Director's Responsibilities

Department directors are responsible for appointing a *records* coordinator for their *department*, and for ensuring the *department* meets its legal responsibilities under the *Records Management Program*, which includes systematic control of *records* from their creation, maintenance, and use to final disposition. The *department* director is responsible for ensuring that the *Department Retention File Plan* fully complies with legal and statutory requirements as outlined within applicable Council Policies, the *Master Records Schedule*, the Administrative Regulations, and the City Clerk's Administrative Guidelines. The *department* director's responsibility includes archiving *historical records* and preserving *vital records*.

Section 4. Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by retitling and amending section §22.2605, to read as follows:

§22.2605 Master Records Schedule

- (a) The City Council is required to approve the *Master Records Schedule* and any amendments to the *Master Records Schedule* that add *record series* or change retention periods.

- (b) After adoption of a *Department Retention File Plan*, a *department* director may authorize destruction of any *record* under his or her charge in accordance with the *retention periods* set forth in the *Master Records Schedule*.
- (c) A *Department Retention File Plan* may be amended consistent with the *Master Records Schedule*, with the approval of the *department* director and City Clerk, and legal review by the City Attorney.

Section 5. Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending 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 *Master Records 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* and the *Master Records Schedule*.
- (c) All *records* shall be retained in accordance with the *retention periods* set forth in the *Master Records Schedule*, or until termination of a *legal hold*.

- (d) The City shall follow state law regarding best practices for storing and maintaining *records* with a retention period of ten years or less in electronic media. This section (d) shall be interpreted in a manner consistent with California Government Code section 12168.7 and California Code of Regulations sections 22620.1 through 22620.8, or any amendments thereto. These provisions of state law are incorporated by reference as if fully set forth herein.
- (e) Paper *records* are the official *records* of the City Clerk's record center.

§22.2607 Non-Retention of Records

- (a) A *record* shall be inventoried, *appraised*, and identified in the *Master Records 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 in accordance with their *Department Retention File Plan*.
- (c) *Department* directors shall not retain *records* beyond the retention period unless a *legal hold* exists, if otherwise required by law, or if the *records* have been transferred to the City Clerk's Archives as *historical records*.
- (d) *Department* directors shall destroy *records* at the end of a *retention period* as described in the *Master Records Schedule*.

§22.2608 [No Change in text.]

Section 6. A full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 7. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By Monica Willian
Monica Willian
Deputy City Attorney

MW:SBS:jdf
06/11/18
Or.Dept: City Clerk
Doc. No.: 1711917

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 10 2018.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 7/20/18
(date)

[Signature]
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 26 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 22.2601 AND 22.2602; AMENDING AND RENUMBERING SECTION 22.2603; AMENDING SECTION 22.2604; RETITLING AND AMENDING SECTION 22.2605; AND AMENDING SECTIONS 22.2606 AND 22.2607, RELATING TO PROCEDURES GOVERNING THE MANAGEMENT OF CITY RECORDS.

Article 2: Administrative Code

Division 26: Procedures Governing the Management of City Records

§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, and which shall also be subject to the City Clerk's Administrative Guidelines Section 65: Records Disposition.

§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.

City Clerk Archives means the location used by the City Clerk for keeping the City of San Diego's identified *historical records*.

Department means every ~~mayoral and independent~~ City department, ~~and including~~ the City Council Districts offices.

Department Retention File Plan is a list of *record series* derived from the *Master Records Schedule* applicable to a City *department*.

Disposition through Legal hold [No change in text.]

Master Records Schedule is a citywide comprehensive retention schedule that categorizes *record series* by business function.

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*~~ *Master Records 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 [No change in text.]

~~*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 through Retention period [No change in text.]

~~*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.~~

§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; Annual records training for records coordinators;~~
- (4) Training every three (3) years for records coordinators regarding updates to the *Department Retention File Plan*;
- (4)(5) Maintenance and oversight of the *Master Records Disposition Schedule*;
and
- (5)(6) Operating the City Clerk's records center; and
- (7) Operating the *City Clerk Archives* for access, determining which records to include in the *City Clerk Archives*, and preserving the City of San Diego's historical records.

§22.2604 Department Director's Responsibilities

Department directors are responsible for appointing a *records* coordinator for their *department* ~~and, records retention, inventorying records, archiving historical records, preserving vital records, and approving the destruction of department records.~~ *Department directors* are responsible for ensuring the *department* meets its legal responsibilities under the *Records Management Program*, which includes systematic control of *records* from their creation, maintenance, and use to final disposition. The *department* director is responsible for ensuring that the *Department Retention File Plan* fully complies with legal and statutory requirements as outlined within applicable Council Policies, the *Master Records*

Schedule, the Administrative Regulations, and the City Clerk's Administrative Guidelines. The department director's responsibility includes archiving historical records and preserving vital records.

§22.2605 ~~Records Disposition Schedule~~ Master Records 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.~~ The City Council is required to approve the Master Records Schedule and any amendments to the Master Records Schedule that add record series or change retention periods.
- (b) ~~The department director, City Attorney or designee, and City Clerk must approve revisions to an existing Records Disposition Schedule.~~ After adoption of a Department Retention File Plan, a department director may authorize destruction of any record under his or her charge in accordance with the retention periods set forth in the Master Records Schedule.
- (c) ~~Records of a merged department are existing records for purposes of this Division.~~ A Department Retention File Plan may be amended consistent with the Master Records Schedule, with the approval of the department director and City Clerk, and legal review by the City Attorney.
- (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.~~

§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 Master Records 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* and the *Master Records Schedule*.
- (c) All *records* shall be retained in accordance with the *retention periods* set forth in the *Records Disposition Master Records Schedule*, or until termination of a *legal hold*.
- (d) The City shall follow state law regarding best practices for storing and maintaining records with a retention period of ten years or less in electronic media. This section (d) shall be interpreted in a manner consistent with California Government Code section 12168.7 and California Code of Regulations sections 22620.1 through 22620.8, or any amendments thereto. These provisions of state law are incorporated by reference as if fully set forth herein.
- (e) Paper records are the official records of the City Clerk's record center.

§22.2607 Non-Retention of Records

- (a) A record shall be inventoried, *appraised*, and identified in the *Records Disposition Master Records 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 in accordance with their Department Retention File Plan.
- (c) Department directors shall not retain records beyond the retention period unless a *legal hold* exists, ~~or~~ if otherwise required by law, or if the records have been transferred to the City Clerk's Archives as historical records.
- (d) Department directors shall destroy records at the end of a retention period as described in the Master Records Records Disposition Schedule.

§22.2608 [No Change in text.]

MW:SBS:jdf
06/11/18
Or.Dept: City Clerk
Doc. No.: 1769232

Passed by the Council of The City of San Diego on JUL 10 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 20 2018

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 19 2018

JUL 20 2018

, and on _____.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

<p>Office of the City Clerk, San Diego, California</p> <p style="text-align: center;">20960</p> <p>Ordinance Number O-_____</p>
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