

ORDINANCE NUMBER O- 21795 (NEW SERIES)

DATE OF FINAL PASSAGE APR 29 2024

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

WHEREAS, a viable records management program is vital to minimize 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 Council of the City of San Diego (City Council) 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 by San Diego Ordinance O-15761 (Jun. 14, 1982), codified in San Diego Municipal Code sections 22.2601 through 22.2608 (Records Management Regulations); and

WHEREAS, the City Council approved amendments to the Records Management Regulations in 1987, 1995, 2003, 2012, and most recently in 2018; and

WHEREAS, this Ordinance updates the Records Management Regulations to reflect technological advances and changes in City operations, better explain defined terms, clarify roles and responsibilities of the City's department directors in the retention and disposition of records, complete the transition to the Master Records Schedule as the operative document for

management of City records, and authorize the City Clerk to amend the Master Records Schedule without City Council approval when state or federal law or regulations require longer retention periods; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; 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 sections 22.2601, 22.2602, and 22.2603, to read as follows:

§22.2601 General Purpose

This Division establishes a *Records Management Policy* 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 6: Records Disposition.

§22.2602 Definitions

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

Appraise through City Clerk Archives [No change in text.]

Department means every City department or program that creates a *record*, including the City Council District offices.

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

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

Historical record through *Master Records Schedule* [No change in text.]

Nonrecord means recorded information of any kind and in any form 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 the following:

- (a) Brochures, catalogs, pamphlets, and other documents usually received by mail that have no substantive value to the City.
- (b) 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, are not final approval of a City action or project, or do not memorialize a change of a City project or program.
- (c) Information received by the City from electronic mailing lists, services, third parties, and new groups.
- (d) Notes, worksheets, and rough drafts used as temporary aids by City staff for their convenience and not retained in the ordinary course of business.
- (e) 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.
- (f) *Duplicates*.

Record [No change in text.]

Records Management Policy means the structure, standards, and system to maintain and *dispose of records*.

Records series 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.

§22.2603 City Clerk's Responsibilities

The City Clerk's responsibilities include:

- (a) development and update of the *Records Management Policy*;
- (b) development and circulation of policies and procedures pertinent to the *Records Management Policy*;
- (c) training for *records* coordinators;
- (d) maintenance and oversight of the *Master Records Schedule*;
- (e) operating the City Clerk's records center; and
- (f) 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 2. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending and retitling section 22.2604, to read as follows:

§22.2604 Department Directors' Responsibilities

Department directors' responsibilities include:

- (a) appointing a *records* coordinator for their *department*;
- (b) ensuring the *department* meets its legal responsibilities under the *Records Management Policy* by establishing a program which includes *department*

processes for systematic control of *records* from their creation, maintenance, and use to *disposition*;

- (c) ensuring that their *department* fully complies with legal and statutory requirements in applicable Council Policies, the *Master Records Schedule*, the Administrative Regulations, and the City Clerk's Administrative Guidelines; and
- (d) archiving *historical records* with the *City Clerk Archives* and preserving *vital records*.

Section 3. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending sections 22.2605 and 22.2606, to read as follows:

§22.2605 Master Records Schedule

- (a) [No change in text.]
- (b) The City Clerk may amend the *Master Records Schedule*, without the approval of City Council required by section 22.2605(a), when state or federal law or regulations require longer *retention periods*.
- (c) A *department* director may authorize destruction of any *record* under the *department* director's charge in accordance with the *retention periods* set forth in the *Master Records Schedule*.

§22.2606 Retention of Records

- (a) The following *records* shall be permanently retained:
 - (1) *records* required to be permanently retained under local, state, or federal law or regulation;
 - (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 retained for that authority's stated *retention period* or expiration of the *retention period* in the *Master Records Schedule*, whichever is longer.
- (c) All *records* shall be retained for the *retention period* in the *Master Records Schedule* or until the termination of a *legal hold*, whichever is longer.
- (d) The City shall follow state law regarding best practices for storing and maintaining *records* in electronic media with output in a human readable fashion. Section 22.2606(d) shall be interpreted in a manner consistent with California Government Code section 12168.7, as may be amended, and title 2, sections 22620.1 through 22620.8 of the California Code of Regulations, as may be amended. These provisions of state law are incorporated by reference as if fully set forth herein.
- (e) The City Clerk shall maintain the *records* of the City with a permanent *retention period* at the City Clerk's records center in a permanent form, including paper or microfilm. The City Clerk may maintain *records* with less than permanent retention period at the City Clerk's records center.

Section 4. That Chapter 2, Article 2, Division 26 of the San Diego Municipal Code is amended by amending and retitling section 22.2607, to read as follows:

§22.2607 Disposition of Records

- (a) [No change in text.]

(b) Department directors shall transfer records with a permanent retention period to the City Clerk's records center at the conclusion of their operational use in accordance with the Master Records Schedule.

(c) through (d) [No change in text.]

Section 5. That 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 6. That 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 Hilda R. Mendoza
Hilda R. Mendoza
Senior Deputy City Attorney

HRM:nja:cm:nja
02/07/2024
Or. Dept: City Clerk
Doc. No. 3584369

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 22 2024.

DIANA J.S. FUENTES
City Clerk

By Krystell Medina for Connie Patterson
Deputy City Clerk

Approved: 4/26/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is April 29, 2024, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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§22.2601 General Purpose

This Division establishes a *Records Management ~~Program~~ Policy* 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 through City Clerk Archives [No change in text.]

Department means every City department or program that creates a record, 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 means a final administrative action ~~taken with regard to~~ of 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 or extra copy of an original *record*, regardless of whether the *duplicate record* reproduction or extra copy is in the same physical form as the original record.

Historical record through *Master Records Schedule* [No change in text.]

Nonrecord means ~~a record~~ recorded information of any kind and in any form 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:

- (1a) Brochures, catalogs, pamphlets, and other documents usually received by mail that have no substantive value to the City.
- (2b) 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, are not final approval of a City action or project, or do not memorialize a change of a City project or program.
- (3c) Information received by the City from electronic mailing lists, services, third parties, and new groups.
- (4d) 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.~~

(6e) 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.

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

Duplicates.

Record [No change in text.]

~~*Records Management Program* a systematic method of tracking from creation, use, and maintenance to their final *disposition* through a classification and filing system. *Policy* means the structure, standards, and system to maintain and dispose of records.~~

Records series through *Retention period* [No change in text.]

Vital record means any recorded information that is essential for the continuation of a department's *department's* core functions in the event of a disaster or to protect the rights of the City and its citizens.

§22.2603 City Clerk's Responsibilities

The City Clerk's responsibilities include:

- (1a) ~~Administration~~ development and update of the *Records Management* ~~and update~~ *Program Policy*;
- (2b) ~~Development~~ development and circulation of policies and procedures ~~relevant to the~~ pertinent to the *Records Management Program Policy*;
- (3c) ~~Annual records~~ training for *records* coordinators;
- (4) ~~Training every three (3) years for records coordinators regarding updates~~ to the *Department Retention File Plan*;
- (5d) ~~Maintenance~~ maintenance and oversight of the *Master Records Schedule*;

- (6e) ~~Operating~~ operating the City Clerk's records center; and
- (7f) ~~Operating~~ 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 Directors' Responsibilities

Department directors' are responsible for responsibilities include:

- (a) appointing a *records* coordinator for their *department*, ~~and for;~~
- (b) ensuring the *department* meets its legal responsibilities under the *Records Management Program, Policy* by establishing a program which includes department processes for systematic control of *records* from their creation, maintenance, and use to ~~final disposition. The department director is responsible for disposition;~~
- (c) ensuring that ~~the Department Retention File Plan~~ their department fully complies with legal and statutory requirements ~~as outlined within in~~ applicable Council Policies, the *Master Records Schedule*, the ~~Administrative Regulations, and the City Clerk's Administrative Guidelines. The department director's responsibility includes; and~~
- (d) archiving *historical records* with the City Clerk Archives and preserving *vital records*.

§22.2605 Master Records Schedule

- (a) [No change in text.]
- (b) The City Clerk may amend the *Master Records Schedule*, without the approval of City Council required by section 22.2605(a), when state or federal law or regulations require longer *retention periods*.

- (bc) ~~After adoption of a Department Retention File Plan, a~~ A department director may authorize destruction of any *record* under ~~his or her~~ the department director's 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.~~

§22.2606 Retention of Records

- (a) ~~Records, including but not limited to the following,~~ The following records shall be permanently retained:
 - (1) ~~Records~~ records required to be permanently retained under local, state, or federal law or regulation;
 - (2) ~~The~~ the minutes, ordinances, or resolutions of the City Council or of a City board or commission; and
 - (3) ~~Records~~ 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 retained for that authority's ~~stated retention period and~~ or expiration of the retention period in the Master Records Schedule, whichever is longer.
- (c) ~~All records shall be retained in accordance with~~ for the *retention periods* ~~period set forth in the Master Records Schedule;~~ or until the termination of a *legal hold*, whichever is longer.

- (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 with output in a human readable fashion. ~~This section~~ Section 22.2606(d) shall be interpreted in a manner consistent with California Government Code section 12168.7, as may be amended, and California Code of Regulations title 2, sections 22620.1 through 22620.8, or any amendments thereto; of the California Code of Regulations, as may be amended. 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 shall maintain the records of the City with a permanent retention period at the City Clerk's ~~record~~ records center; in a permanent form, including paper or microfilm. The City Clerk may maintain records with less than permanent retention period at the City Clerk's records center.

§22.2607 Non-Retention Disposition of Records

- (a) [No change in text.]
- (b) ~~Department~~ directors shall transfer ~~records with a permanent retention~~ records with a retention period to the City Clerk's ~~records~~ records center at the conclusion of their ~~operational use in accordance with their~~ operational use in accordance with their ~~Department Retention File Plan~~. the Master Records Schedule.
- (c) through (d) [No change in text.]

HRM:nja:cm:nja
11/06/2023
Or. Dept: City Clerk
Doc. No. 3584368

Passed by the Council of The City of San Diego on APR 22 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 29 2024

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, 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

APR 08 2024, and on APR 29 2024.

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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21795</u>