

RESOLUTION NO. 2020-227

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ESTABLISHING A RECORDS RETENTION POLICY FOR THE
CITY ATTORNEY'S OFFICE**

WHEREAS, the City Attorney's Office maintains records that pertain to the operation and administration of the City government; and

WHEREAS, the responsible maintenance of the City's records includes adopting a policy for the retention and disposition of records; and

WHEREAS, California Government Code section 34090 requires the legislative body to approve a policy for the disposition of records that are no longer required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

- 1) Adopts the Records Retention Schedule for records maintained by the City Attorney's Office, attached hereto and incorporated herein as Exhibit A, as consented to by the City Attorney in accordance with California Government Code section 34090 et seq; and
- 2) Authorizes the City Attorney to employ technological methods to provide for the electronic storage and recovery of records in a trusted system, as provided by statute.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 23rd day of September 2020



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

CITY OF ELK GROVE – RECORDS RETENTION SCHEDULE

CITY ATTORNEY'S OFFICE

| Adopted by Resolution No. 2020- _____ | | | |
|---------------------------------------|--|--|-------------|
| Category | Document Description | Retention* | Reference |
| Collections | Liens and other records related to collection of a debt | CL (Lien release or date debt satisfied) + 5 | GC 34090 |
| Contracts | Agreements/Contracts (consultant contract, purchase agreements, donor agreements, lease agreements, license agreements, and others not shown elsewhere in the retention schedule) | CL + 5 | CCP 337 |
| Contracts | Housing Agreements (includes recorded and other related agreements) | P or until no longer needed (minimum of CU + 2) | GC 34090(a) |
| Contracts | Settlement Agreements (except involving real property) | CL (Fulfillment of terms) + 5 | GC 34090 |
| Contracts | Outside Counsel Agreements; retainer letters; RFQ/RFP for legal services; tender of defense records | CL + 5 | GC 34090 |
| General Administration | Claims Database - Information regarding managing claims files and related records | P or until no longer needed (minimum of CU + 2) | GC 34090 |
| General Administration | Counsel advisement files: Contains records regarding counsel advisement activities to City staff and Council; including, but not limited to, correspondence, legal opinions, legal billings, interagency agreements, legal services staffing, invoices, subject matter files, advisory files, contracts, and related records | P for files concerning matters which have or may have a major impact on City and department operations as determined by the City Attorney; or CL + 10 for matters resolved with no further action to be taken; or until no longer needed or superseded | GC 34090 |
| General Administration | Formal written correspondence, including, but not limited to, letters, notes, and research | CU + 5 | GC 34090 |

* Unless otherwise specified, all time periods are stated in terms of years (e.g., CL +5 means completion plus 5 years).

| | | | |
|-------------------------------|---|--|-------------|
| General Administration | Database: Tracking of litigation cases and other department matters, both open and closed | P or until no longer needed (minimum of CU + 2) | GC 34090 |
| General Administration | Records related to bonds Assessment Districts | CL (Bond and District life) + 10 | GC 34090 |
| General Administration | Claims/subpoena logs and other records not otherwise included in this schedule | CL + 2 | GC 34090 |
| Labor | Labor matters, including, but not limited to, labor arbitration, negotiation, and other matters related to Memorandums of Understanding | CL + 10 | GC 34090 |
| Legislative | Legislative and other City Council records and files | CU + 2 or until no longer needed (minimum of CU + 2) | GC 34090 |
| Legislative | Council closed session files and records: minutes, agendas, notes, Brown Act documents and related records | P or until no longer needed (minimum of CU + 2) | GC 34090 |
| Litigation | Civil litigation regarding real property (including settlement and releases) | P or until no longer needed (minimum of CU + 2) | GC 34090(a) |
| Litigation | Case Files: Contains records related to hearings, claims, civil, administrative, criminal and other legal proceedings handled by the City Attorney's Office and outside counsel representing the City, including, but not limited to, briefs, arguments, motions, subpoenas, petitions, pleadings, attorney notes, testimony transcripts, legal opinions, findings, court orders, appeals, correspondence, and related records. | P for files concerning cases which have or may have a major impact on City and department operations; or CL+10 for matters closed with no further action to be taken | GC 34090(b) |
| Litigation | Case files: Pitchess motions, abatement warrants, disposition of weapons, bankruptcy, injunctions, evictions, and related case documents | CL + 5 | GC 34090 |
| Litigation | Case files: Joinders | CL + 5 | GC 34090 |

| | | | |
|------------------------------|---|--------|-----------------------------|
| Personnel | Case files: Employee discipline (except peace officer) and other personnel matters, Writ of Garnishment | CL + 7 | GC 34090 |
| Personnel | Case files: Employee discipline (peace officer) | CL + 5 | PC 832.5(b), EGPD Policy |
| Public Records | Public Records Requests for Information | CL + 2 | GC 34090 |
| Real Property | Real Property (Other), including, but not limited to, eminent domain, inverse condemnation, land use, annexation, tax liens, Assessment Districts, deeds, easements, abandonments, other real property related records | P | GC34090(a) |
| Workers' Compensation | Workers' Compensation Litigation Files: Contains initial claims, injuries, settlements, appeals, and awards, including but not limited to memorandum of award, claim review, medical records, notice of application representation, opening letter, status report, order approving compromise and release, order to pay lien claimant, reports of conference, reports of hearing/deposition, amendments to stipulation of request award, and related records. | CL + 5 | GC 34090 |

Key: CCP - Code of Civil Procedure
CU - Current Year
CL - Cleared/Completion/Closed
EGPD - Elk Grove Police Department
GC - Government Code
P- Permanent
PC - Penal Code
Until no longer needed - As determined by the City Attorney

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2020-227**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)


I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 23, 2020 by the following vote:

AYES: COUNCILMEMBERS: *Ly, Hume, Nguyen, Suen*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *Detrick*



**Jason Lindgren, City Clerk
City of Elk Grove, California**