

**CITY OF OAKLAND
MEMORANDUM**

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 APR 25 AM 10:57
ACV

TO: Rules & Legislation Committee
ATTN: Assistant to the City Manager
FROM: Name Audree V. Jones-Taylor
Phone No. 238-7970
Address/Agency/Dept OPR
DATE: 4/20/04

SUBJECT: REQUEST TO SCHEDULE AGENDA ITEM

TITLE: Resolution authorizing the destruction of certain records in the care and custody of the Office of Parks and Recreation

SCHEDULING RECOMMENDATION:

- A. Committee **RULES**
(Please specify Committee. Committees meet 2nd & 4th Tuesdays)
- _____ Redevelopment Agency
(Council/Agency meets on 1st, 3rd, and 5th Tuesdays)
- B. Meeting Date: **May 13, 2004**

Is there a statutory, regulatory, financial or grant deadline? Specify:

Is a staff report required/requested?

What is the fiscal impact on the City/Agency?

If the ten-day (Sunshine Ordinance) agenda deadline cannot be met, please indicate reason:

- Item constitutes an "emergency" (Crippling disaster, work stoppage or other activity which severely impacts public health and/or safety)
- It was not reasonably possible to place the proposed item on the two-week agenda AND any of the following exist:
- Item requires immediate action to avoid a substantial adverse impact if action is deferred to a subsequent special or regular meeting;
 - Item requires immediate action relating to federal or state legislation;
 - Item requires immediate action relating to eligibility for a grant or gift; OR
 - Item is ceremonial.

Explain why item could not have been placed on the 10-day agenda:

A separate request must be completed for each item for scheduling. Requests must be submitted by **6:00 P.M.** of the **Tuesday** preceding the relevant Rules & Legislation Committee meeting.
Attach any supporting documentation.

04-0291

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS IN THE CARE AND CUSTODY OF THE OFFICE OF PARKS AND RECREATION (OPR)

WHEREAS, the State of California Government Code Section 34090 authorizes the head of a city department to destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof after the same is no longer required, provided the City Council approves the destruction by resolution and the City Attorney has consented in writing; and

WHEREAS, Government Code Section 34090 does not authorize the destruction of records affecting the title to real property or liens thereon, court records, records required to be kept by statute, records less than two years old, and the minutes, ordinances, or resolutions of the legislative body or of a city board or commission; and

WHEREAS, on February 25, 2003 the City Council passed Resolution No. 77659 C.M.S. establishing a City-wide records management and retention schedule; and

WHEREAS, the Office of Parks and Recreation is moving to its new office location at 250 Frank H. Ogawa Plaza and there are old files and records that are no longer useful or needed housed in the current OPR Main Office building at 1520 Lakeside Drive; and

WHEREAS, the Office of Parks and Recreation shall abide by Resolution No. 77659 C.M.S. and will work with the City Attorney in determining which files should be kept; and

WHEREAS, the Office of Parks and Recreation plans to destroy the following files that were created prior to 1998. The typical records include files regarding:

- Administration
- Finance and Accounting
- Personnel
- Recreation
- Reservations
- Sports permission slips, team rosters, and schedules

Now therefore be it

RESOLVED: That the Oakland City Council authorizes the Office of Parks and Recreation to begin the destruction of the records referenced above pursuant to state law and established City records management and retention schedule; and be it

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FURTHER RESOLVED: That pursuant to Government Code Section 34090 the following records shall not be destroyed: Records affecting the title to real property or liens thereon, court records, records less than two years old, and the minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

FURTHER RESOLVED: That the Office of the City Attorney has approved this resolution and a copy will be on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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