

ATTACHMENT #1
RESOLUTION NO. 2025-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS,
CALIFORNIA, ADOPTING A REVISED RECORDS RETENTION AND
DESTRUCTION SCHEDULE AND AUTHORIZING THE DESTRUCTION OF
OBSOLETE CITY RECORDS IN ACCORDANCE WITH STATE LAW**

WHEREAS, the maintenance of numerous city records is expensive, inefficient, hinders efficient document retrieval, and is not necessary after a certain period for the effective and efficient operation of the government of the City of Indian Wells; and

WHEREAS, California Government Code section 34090 *et seq.* provides that, with the approval of the City Council by resolution and the written consent of the City Attorney, the head of a City department may destroy any City record, document, instrument, book or paper, under his or her charge, without making a copy thereof, after the same is no longer required, provided that certain records are exempt from such destruction; ; and

WHEREAS, due to changes in state and federal law regarding the retention of public agency records, City staff has determined that the Records Retention Schedule requires amendment in order for the City to be in legal compliance regarding the retention and destruction of obsolete records; and

WHEREAS, this Resolution is intended to adopt a revised records retention and destruction schedule that facilitates the orderly and efficient retention and destruction of City records in accordance with State law; and

WHEREAS, the City Attorney has reviewed and approves the revised Records Retention Schedule, as evidenced by his signature on this Resolution, in accordance with the provisions of California Government Code section 34090.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF INDIAN WELLS DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. The records of the City of Indian Wells, as set forth in the Records Retention Schedule, "Exhibit A", attached hereto and incorporated herein by this reference, are hereby authorized to be destroyed as provided by Section 34090 *et seq.* of the Government Code of the State of California and in accordance with the provision of said Schedule upon the request of the applicable department head ("Director") and with the consent in writing of the City Clerk and/or his/her designee, without further action by the City Council of the City of Indian Wells.

A. "City Record" or "Records": Anything that constitutes an objective lasting indication of a writing, event or other information, regardless of physical form or characteristics [including, but not limited to, any record, document, instrument, book, paper, map, exhibit, magnetic or paper tape, photographic film, photographic print, optical media, electronically transmitted mail (email), facsimile, other electronic file, or other records as defined by the California Public Records Act], which is in the custody of a public officer and is kept either: (1) because a law requires it to be kept, or (2) because it is necessary or convenient to the discharge of the public officer's duties and was made or retained for the purpose of preserving its informational content for future reference.

B. "Non-Record": Anything that constitutes an objective lasting indication of a writing, event or other information that does not fall under the definition of a City Record, [including, but not limited to (1) magazines or publications not produced by the City; (2) library or museum material intended solely for reference or exhibition; (3) transitory writings, including working papers, appointment logs, notes, calculations or preliminary drafts, or interagency or intra-agency memoranda, that are not retained by the City in the ordinary course of business even if they contain information relating to the conduct of the City's business; (4) unofficial copies of documents kept only for convenience or reference; and (5) documents that do not contain information relating to the conduct of the City's business].

C. "Legal Hold": The duty of the City to preserve and not destroy any records that are potentially relevant to any of the following in which the City may be involved: a reasonably anticipated claim or litigation; an ongoing claim or litigation; a pending employee grievance; a pending regulatory or governmental investigation; a pending subpoena; a pending Public Records Act request; a pending audit; or similar legal matter. Any records subject to a Legal Hold must be preserved in all forms in which the records exist, including both paper and electronic formats.

SECTION 2. The Records Retention and Destruction Schedules are further defined below.

A. The Records Retention and Destruction Schedules attached hereto as "Exhibit A", and incorporated herein by this reference, are hereby adopted.

B. City Records shall be retained for the minimum periods listed in the column entitled "Total Retention" on "Exhibit A" and shall not be destroyed until notice approved for destruction in accordance with this Resolution.

C. Non-Records need not be retained in any form; provided, however, that any Non-Records that are subject to a Legal Hold shall not be destroyed until notice is provided by the responsible attorney for the City of Indian Wells that such Non-Records no longer need to be retained.

SECTION 3. The Approval of Destruction of City Records is further defined below.

A. At the expiration of the retention period set forth for each record series listed on Exhibit A, such expired City Records are authorized to be destroyed as provided by Government Code Section 34090 upon the written request of the City Manager or appropriate department head and with the consent in writing of the City Clerk and the City Attorney to such destruction, without further action by the City Council. All City Records approved for destruction that are of a sensitive or confidential nature shall be shredded.

B. Notwithstanding the foregoing, City Records that are subject to a Legal Hold shall be retained and are not authorized for destruction until notice is provided by the City Attorney that such City Records subject to a Legal Hold no longer need to be retained.

C. In no event may any of the following City Records be destroyed:

- City records affecting the title to real property or liens thereon.
- Court records.
- City Records are required to be kept by statute.
- City Records less than two years old except for duplicate records or unless otherwise provided by law.
- The minutes, ordinances, or resolutions of the City Council or any City Committee, Board or Commission.

SECTION 4. Any provision of a previously adopted City Council resolution or Records Retention and Destruction Schedule that conflicts with this Resolution or the attached "Exhibit A" is superseded and shall be of no further force or effect upon the adoption of this Resolution.

SECTION 5. With the written approval of the City Clerk, City Manager, and City Attorney, updates are hereby authorized to be made to the Records Retention and Destruction Schedule without further action by the City Council.

SECTION 6. The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

SECTION 7. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at an adjourned regular meeting held on this 6th day of March 2025.

BRUCE WHITMAN
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2025-___

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing resolution was duly and regularly passed and adopted at an adjourned regular meeting of the City Council of the City of Indian Wells on the 6th day of March 2025, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

ANGELICA AVILA
CITY CLERK

TODD LEISHMAN
CITY ATTORNEY

Exhibit "A"
(ATTACHMENT #2 to the Staff Report)