

HOLLY L. WOLCOTT
CITY CLERK

GREGORY R. ALLISON
EXECUTIVE OFFICER

City of Los Angeles CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

Executive Office
200 N. Spring Street, Room 360
Los Angeles, CA 90012
(213) 978-1020
FAX: (213) 978-1027

clerk.lacity.org

June 18, 2015

Honorable Members of the Los Angeles City Council
c/o City Clerk, Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

**SUBJECT: RECOMMENDATIONS FOR MODIFICATION TO THE CITY RECORDS
DESTRUCTION PROCESS, OPPORTUNITIES FOR BRINGING OFFSITE
COMMERCIAL RECORDS ONSITE, AND DRAFT ORDINANCE
(Council File: 15-0616)**

Honorable Members:

SUMMARY

The City Council (Blumenfield-Koretz), (Council File: 15-0616) instructed the City Clerk with the assistance of the City Attorney to report back on the following:

- A proposal for a more efficient records management policy and destruction process, with steps required to implement proposed changes
- Opportunities for bringing offsite commercial records onsite and any potential for cost savings.

The motion further requested the City Attorney to draft any required revisions to ordinances to amend the administrative code to effectuate a revised records disposition schedule process.

In order to ensure appropriate retention of City Records, promote greater efficiencies in the City's records management program, reduce expenses associated with the storage of hard copy records, and facilitate the implementation of electronic records, the following changes to the City records policy and disposition schedule process are proposed:

1. Obtain City Council and City Attorney approval for departmental records disposition schedules. The current process for approving the records disposition schedule requires the City Clerk and City Attorney approval.
2. Allow department heads to authorize the destruction of their department's records per their records disposition schedule. The current process for approving the destruction of department records requires final approval of the City Clerk, City Attorney, and City Council.

3. Grant department heads who have implemented electronic reproduction of their records in accordance with the provisions of section 12.4 of the LAAC, the authority to authorize the destruction of the original records without recourse to the City Attorney and City Council.
4. Allow department heads to authorize the donation of obsolete records to interested community historical organizations with the concurrence of the City Clerk. The current process requires approval of the City Clerk, City Attorney, and City Council.

If the proposed recommendations and subsequent ordinance changes are adopted, the City records destruction processing time will be reduced by 50% or more. The current process is 4 to 24 months. Any overall reduction in the number of boxes stored at the offsite commercial storage facility will result in hard dollar savings to the City. Further, if as proposed, the City Clerk Election Warehouse is repurposed for onsite records storage beginning with the 2020 Municipal elections, the City could realize a \$500,000 annual savings by discontinuing offsite commercial storage.

The City Clerk has reached out to members of the Records Management Listserv subscribers with a draft of this report for any input. Mostly positive feedback (four responses total) was received as long as the public was still notified of records destruction and that they had some recourse to preserve records.

DISCUSSION

Statement of the Problem

Since 2013, the City Records Center has been filled to capacity with 190,000 record boxes. The City is spending approximately \$500,000 annually on offsite commercial records storage for an additional 180,000 record boxes. Some departments are storing boxed records in their own offices and facilities as they wait for space to become available at the Records Center. In addition, the current records destruction and approval process can take up to 24 months from the beginning point of notifying departments of records that are eligible for destruction to the actual destruction of the records, further exasperating the destruction backlog problem.

Of the 190,000 boxes in the City Records Center, over 73,000 of them are known to be eligible for destruction according to the departments' established records retention schedules. Records in offsite commercial storage are not tracked as closely for retention and disposition purposes but it is believed that approximately 50,000 boxes in commercial storage are also eligible for destruction. Destroying the 73,000 eligible boxes in the City Records Center will free space to divert boxes from commercial storage and destroying the 50,000 eligible boxes in commercial storage will directly reduce City expenditures.

The City records disposition and approval process requires modification to address the records destruction backlog, free up space to make room for boxes sitting either in department locations or offsite, or new boxes becoming eligible for destruction and save the City money that is otherwise diverted for offsite storage. The opportunity exists to repurpose existing City Clerk warehouse space for onsite records storage to eliminate offsite storage entirely and to discontinue the annual expenditure of \$500,000 for commercial storage.

Approval of Records Retention Schedules

Proposed New Process: Using the records disposition model that has been in place at the City of San Diego for some time, the City Clerk and City Attorney proposal is to add City Council

to the approval of records retention schedules that are currently approved by the City Clerk and City Attorney. Public comment would be received at the time the approval of the schedule is before the City Council. This could reduce the timeline for final disposition by a minimum of 45 days up to 120 days on average.

Records disposition schedules set the policy of departments with regards to records retention. As the legislative body of the City, the City Council can assert its right to set retention policy by its departments. Requiring City Council approval of records disposition schedules will give the public a greater voice in records retention at the beginning of the approval process. This is a generally accepted principal in municipal records management and if adopted in Los Angeles, will bring the City in step with many other municipalities and government agencies in California.

Current Process: The Los Angeles Administrative Code (LAAC) requires department heads to establish records disposition schedules listing all of the records by category that their departments create or maintain and indicating the minimum retention time periods for each. These records retention schedules are subject to the review and approval of the City Clerk and City Attorney.

The City Clerk's Office reviews the records disposition schedules to ensure compliance with the basic administrative requirements of the City's records management program and to identify record series of unique historical value which should be transferred to the City Archives.

The City Attorney's Office reviews the records disposition schedules to ensure compliance with the various legal, audit, and statutory retention requirements effecting the particular department in question.

Currently, the City Council does not approve the records disposition schedules.

Destruction of Records

Proposed New Process: Department General Managers will review and authorize the destruction of their own records provided that they are consistent with their department's Council approved and adopted records retention schedule. The City Clerk would still continue its role in the final disposition of records approval process.

The City Clerk would continue to send out 60 Day Records Destruction Notifications to the public who have subscribed to receive notifications. The City Clerk will work with each department on any scheduled items for destruction where the public has voiced a concern.

Current Process: When records have passed their full retention requirement, the LAAC requires department heads to submit a request to destroy the obsolete records to the City Clerk, to be reviewed by the City Clerk and the City Attorney prior to submission to the City Council.

The City Clerk's Office reviews the destruction requests to ensure compliance with the established records retention schedules and procedures and to identify any items of unique historical value which should be removed from consideration for destruction and transferred to the City Archives.

The City Attorney's Office reviews the destruction request to ensure that the records are not needed for pending litigation.

The City Council reviews and approves the destruction requests and receives public comment.

Destruction of Electronically Reproduced Records

Proposed New Process: Revise the LAAC to grant the department heads who have implemented electronic reproduction of their records in accordance with the provisions of section 12.4 of the LAAC, the authority to authorize the destruction of the original records without recourse to the City Attorney and City Council.

Current Process: Section 12.4 of the LAAC permits the destruction of records prior to the end of their full retention time period if they have been electronically reproduced subject to the City Clerk, City Attorney, and City Council approval. The section established certain criteria that must be met in the reproduction process in order to qualify for replacement of the original records, most significantly:

- The electronic records must be made as accessible to the public as the original record would have been.
- The electronic records must be as fully legible as the original record.
- The electronic records must be maintained in at least two separate locations. This requirement can be met through maintaining two separate file servers in two separate locations, or through maintaining a file server and backup copies at an offsite location.
- The departmental records disposition schedule must be updated to reflect the existence of the original and the electronic versions of the record.

Donation of City Records to Community Historical Organizations

Section 12.2(a) (5) of the LAAC allows departments to donate their obsolete records that are not of historical interest to the City of Los Angeles to an interested community historical organization provided that they follow the City records destruction process.

Proposed New Process: Consistent with the new proposed process for the disposition and destruction of records, allow department heads to authorize such donations with the concurrence of the City Clerk.

Current Process: Department heads submit a request to destroy the obsolete records to the City Clerk, to be reviewed by the City Clerk and the City Attorney prior to submission to the City Council. The City Clerk's Office reviews the destruction requests to ensure compliance with the established records disposition schedules and procedures and to identify any items of unique historical value which should be removed from consideration for destruction and transferred to the City Archives. The City Attorney's Office reviews the destruction request to ensure that the records are not needed for pending litigation and the City Council reviews and approves the destruction requests and receives public comment. Upon approval, departments may donate obsolete records of historical interest to interested community historical organizations.

Opportunities for Bringing Offsite Commercial Records Onsite - Repurposing the Election Center Warehouse as an Extension of the City Records Center

In anticipation of the County of Los Angeles conducting the City's Municipal Elections beginning in 2020, the Elections Center Warehouse (Space 375 at Piper Tech) affords an excellent opportunity for the City to repurpose the space as an extension of the City's Records Center and Historical Archives. Expansion of the records center will avoid costly offsite storage.

Based on initial analysis, the new space could accommodate approximately 200,000 boxes. The only improvements required to the facility would be the addition of racks, a stock selector machine and wire guidance system for the stock selectors. Initial cost estimates for the rack configuration and equipment totals approximately \$857,000. Existing City Clerk staff from the Elections Center Warehouse operations would staff the expanded Records Center.

The Elections warehouse is conveniently located on the same floor at Piper Tech as the current Records Center and is already equipped with a Radio Frequency ID scanning system which can be leveraged for the efficient management of incoming and outgoing records boxes. There is an existing air controlled room which would provide an ideal location for housing the overflow from the City Historical Archives and is a key factor for preserving the rarest of the City's Historical Archives. Space already exists which could be provisioned as enclosed research space for the public without requiring any modifications. Handicap accessible restrooms are on site and do not require any alterations. The building is also handicap accessible.

The one-time investment of approximately \$857,000 would avoid future costs of \$500,000 annually. The return on investment and break-even point would be approximately 1.7 years with future savings of \$500,000 annually to the City.

Further analysis with the CAO and the Municipal Facilities Committee should be conducted to determine the actual cost and long-term savings of repurposing the Elections Center Warehouse for onsite records storage and preservation of the City's Historical Archives.

Steps Required to Implement Proposed Destruction Process Changes

The following is a high level overview of the steps required to implement the proposed changes to the destruction process:

1. The City Clerk sends out a notification summarizing the proposed changes to the public who have subscribed to receive the City Clerk's records destruction notifications. The public will be asked to provide any feedback or concerns directly to the City Clerk.
2. The City Council adopts the ordinance revising Division 12 of the LAAC.
3. The City Clerk works with each department and compiles the Records Disposition Schedules for Council review, approval, and for hearing public comment.
4. City Council approves department Records Disposition Schedules.
5. The City Clerk provides training to departments on the new process.

RECOMMENDATION

That the City Council, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. Request the City Attorney to draft and present an ordinance to Council which revises Division 12 of the Los Angeles Administrative Code (LAAC) to effect the operational changes in the City's records management program to include the following modifications:
 - Add the City Council and City Attorney to the approval process for departmental records disposition schedules.

- Allow department heads to authorize the destruction of their department's records per the records disposition schedule which were previously approved by the City Clerk, City Attorney and City Council.
 - Grant department heads who have implemented electronic reproduction of their records in accordance with the provisions of section 12.4 of the LAAC, the authority to authorize the destruction of the original records without recourse to the City Attorney and City Council.
 - Allow department heads to authorize the donation of obsolete records to interested community historical organizations with the concurrence of the City Clerk.
2. INSTRUCT the City Administrative Officer and the Municipal Facilities Committee, with the assistance of the City Clerk, to develop cost analysis, funding, and a conversion plan for the possible repurposing Space 375 at Piper Tech as a records facility, to include a timeline for discontinuing all offsite commercial records storage and realizing cost savings annually.

FISCAL IMPACT STATEMENT

There is no fiscal impact of adopting this ordinance. Savings may result if more efficient records destruction processes allow more records to be stored in the records center as opposed to offsite storage.

If Space 375 at Piper Tech is repurposed for expansion of the City's Records Center and Historical Archives, the City could realize a savings of \$500,000 annually for a one-time investment of approximately \$857,000.

Respectfully submitted,



Holly L. Wolcott
City Clerk

Attachment - Ordinance