



MEETING DATE: 4/4/11

ITEM NO: 2

COUNCIL AGENDA REPORT

DATE: March 16, 2011

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER 

SUBJECT: RESCIND COUNCIL POLICY I: ACCESS AND RETENTION OF VIDEO RECORDED MEDIA OF COUNCIL MEETINGS

RECOMMENDATION:

Rescind Council Policy I: Access and Retention of Video Recorded Media of Council meetings.

BACKGROUND:

All governmental agencies have public records that must be kept or destroyed by law under an approved record retention schedule. California Government Code section 34090 requires the retention of most public records for a minimum of two years. Cities may allow the destruction of public records thereafter according to a record retention schedule.

In April 2009, Council approved a new Records Retention Schedule for the Town organization. This new Records Retention Schedule was the result of a lengthy and complete review of the Town's records retention policies and practices. It provides clear, specific records descriptions and retention periods, and applies current law, technology, and best practices to the management of the Town's records.

DISCUSSION:

The new Clerk Programs team has been taking on a number of projects to update and streamline the work performed in their area. This team includes the staff of the Community Services Department and Clerk Program, under the leadership of the Community Services Director. One of the first projects to be completed was to develop a workable solution to the issue of retaining video recordings of Council meetings appropriately and in line with Town policy, and taking into account the feedback Council provided to staff last year. During work on this project, it was found that in addition to the Records Retention Schedule, there is also a Council Policy on the retention of Council meeting recordings (Council Policy I: Access and Retention of Video Recorded Media of Council Meetings). This Council Policy, adopted in 2003, conflicts with the more recently-adopted Records Retention Schedule. In addition, the majority of its provisions are covered in other, more recent, documents.

PREPARED BY: Regina A. Falkner
Community Services Director 

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Reviewed by: RS Assistant Town Manager JA Town Attorney
____ Clerk Administrator ____ Finance ____ Community Development

Council Policy I includes four key provisions, as follow:

1. *The Clerk Department must keep a videotape copy of each meeting for at least 5 years.* This provision has been superseded by the Town's Retention Policy, which requires copies to be kept permanently.
2. *The Library must keep a videotape copy of each meeting for 180 days, available for check-out by the public.* This provision is not addressed by another Town document. It is an internal Library policy.
3. *KCAT will provide 2 videotape copies of each meeting to the Town.* This is addressed in the current agreement between the Town and KCAT, section 3.11, which reads: "KCAT will provide to the Town at no cost, two (2) recordings of all meetings covered by this Agreement on broadcast quality DVD discs, capable of being copied and/or reproduced by Town. Recordings of meetings shall be given to the Town for its records." One of these discs is provided to the Library for public viewing. The second is retained by the Clerk's Office as part of the Town's permanent records.
4. *Additional copies of meetings will be provided by KCAT to the public for a fee on request.* This is addressed in the KCAT agreement, section 3.12, which reads: "...KCAT shall provide copies of Town meetings to any individual, group, agency, or organization requesting same on DVD discs within five (5) days of the request and for the reproduction cost authorized by the California Public Records Act (KCAT's actual cost), not to exceed \$10.00 per disc."

CONCLUSION:

Staff recommends that Council rescind its Council Policy I: Access and Retention of Video Recorded Media of Council Meetings due to the conflicts with the Council-adopted retention schedule and the outdated technology references.

ENVIRONMENTAL ASSESSMENT:

The recommended action is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

The recommended action will have no fiscal impact.

Attachments:

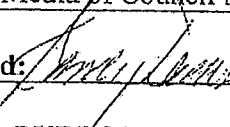
1. Council Policy I, Access and Retention of Video Recorded Media of Council Meetings

Distribution:

Linda Dydo, Interim Library Director

COUNCIL POLICY
TOWN OF LOS GATOS

Subject: Access and Retention of Video Recorded Media of Council Meetings
Page:
Section Number: 7

Approved: 
Effective Date: 4/7/2003 **Revised Date:**

PURPOSE

To establish the process by which the public and staff may obtain video recorded media and maintain copies of Council, Board, Commission, and/or any other public meetings, and to set the retention policy with regard to videotapes or electronically stored video copies retained by the Town.

SCOPE

This policy applies to videotapes, DVDs, or any other means of electronic video recordings made in the process of televising or videotaping Council, Board, Commission, and/or any other public meeting.

POLICY

According to Section 34090.7 of the California Public Records Act, videotapes and other film medium shall be considered duplicate records if a city or county keeps another record, such as written minutes or an audio recording of the same event. A duplicate record, such as videotape of a public meeting must be kept for a minimum of ninety (90) days after the event.

Although the Town's official record is considered to be the written minutes of any public meeting, it shall be the policy of the Town Council to require the Town Clerk's Office to retain one (1) master videotape copy of televised public meetings for a maximum of five (5) years after which it shall be scheduled for destruction.

In addition, it shall be the policy of the Town Council to make videotape copies of televised public meetings available at the Town Library for public check out for a maximum of one-hundred and eighty (180) days. After one-hundred and eighty (180) days, the videotapes will be pulled from the library shelves.

Copies of previously broadcast public meetings shall be provided by the Town's cablecasting service provider for a nominal charge upon request.

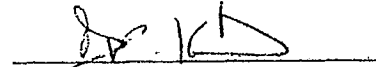
PROCEDURES

The Town's cablecast service provider will furnish the Town with at least two (2) copies of each videotaped meeting. The Town Clerk's Office shall retain one (1) master videotape copy of televised public meetings for a maximum period of five (5) years after which it shall be scheduled for destruction.

The Library shall make the video recordings available for a period of one-hundred and eighty (180) days, after which time they shall be reused, recycled, or destroyed. The Library shall maintain a log of receipt and disposition of the media, and present this log to the Town Clerk's Office at the end of each fiscal year.

Public requests for video copies of televised public meetings may be obtained through the Town's cablecast service provider. Charges for copies will be determined by the provider.

APPROVED AS TO FORM:


Town Attorney