

**CITY OF DANA POINT
AGENDA REPORT**

Reviewed By:	
DH	X
CM	X
CA	—

DATE: SEPTEMBER 19, 2017

TO: CITY MANAGER/CITY COUNCIL

FROM: KATHY M. WARD, CITY CLERK

SUBJECT: AMENDING SECTION 2.04.041 (c) and (d) OF THE DANA POINT MUNICIPAL CODE AND CITY POLICY 109 REGARDING PERMANENT RETENTION OF CITY AUDIO/VIDEOS

RECOMMENDED ACTION:

That the City Council 1) introduce an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING TITLE 2 OF THE CITY OF DANA POINT MUNICIPAL CODE AT SECTION 2.04.041 (c) AUDIO AND VIDEO TAPE RETENTION AND (d) AUDIO TAPE ACCESSIBILITY TO THE PUBLIC; and

2) Amend City Council Policy 109 to reflect permanent retention of the City's audio and video recordings.

BACKGROUND:

At the August 15, 2017 meeting, City Council approved a revision of the City's audio and video retention from three (3) years to permanent retention.

DISCUSSION:

With Council's approval on August 15th, staff is returning to update Section 2.04.041 (c) of the Municipal Code and City Council Policy 109 to reflect permanent retention of the City's audio and video recordings.

The City's Record Retention Schedule will be modified to reflect this change in November when staff brings forward the annual Records Management staff report for Council approval.

Staff is recommending approval of a first reading of an Ordinance to update Section 2.04.041 (c) and (d) of the Dana Point Municipal Code (Action Document A) and revision of City Council Policy 109 for permanent retention of the City's recorded audio and videos for Council approval (Action Document B).

FISCAL IMPACT:

The City’s video-streaming and archival software, Granicus, provides permanent audio and video storage at no additional cost.

ACTION DOCUMENT:

Page No.

- A. [Introduction of an Ordinance for Permanent Audio and Video Retention](#)... .. 3
- B. [Amended Council Policy 109 to Permanent Retention of Audio and Videos](#)..... 6

Action Document A**ORDINANCE NO. 17-****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING TITLE 2 OF THE CITY OF DANA POINT MUNICIPAL CODE AT SECTION 2.04.041 (c) AUDIO AND VIDEO TAPE RETENTION AND (d) AUDIO TAPE ACCESSIBILITY TO THE PUBLIC**

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 2.04.041 (c) of Chapter 2.04 of the Dana Point Municipal Code is hereby amended as follows:

“(c) Recorded Audio and Video Retention. Whenever a video of City Council or other City Commission/Committee meeting is created by the City and is available for viewing through the City’s website, said audio/video shall be kept permanently.”

SECTION 2. Section 2.04.041 (d) of Chapter 2.04 of the Dana Point Municipal Code is hereby amended as follows:

“Audio and Video Accessibility to the Public. Recorded audio and videos of City meetings will be available for public review through the City’s website www.danapoint.org. Members of the public may request a duplicate copy of recorded City meetings by contacting the City Clerk’s Office. Fees for duplication of audio/videos of City meetings shall be in accordance with rates established in the City’s Schedule of Service Fees.”

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2017.

DEBRA LEWIS, MAYOR

ATTEST:

KATHY M. WARD, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF DANA POINT)

I, KATHY M. WARD, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 17- __ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 19th day of September, 2017, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the _____ day of October, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

KATHY M. WARD, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF DANA POINT)

AFFIDAVIT OF POSTING
AND PUBLISHING

KATHY M. WARD, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 17- , being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING TITLE 2 OF THE CITY OF DANA POINT MUNICIPAL CODE AT SECTION 2.04.041 (c) AUDIO AND VIDEO TAPE RETENTION AND (d) AUDIO TAPE ACCESSIBILITY TO THE PUBLIC

was published in summary in the Dana Point News newspaper on the ___ day of September, 2017, and the ___ day of October, 2017, and was caused to be posted in four (4) public places in the city of Dana Point, to wit:

- Dana Point City Hall
- Capistrano Beach Post Office
- Dana Point Post Office
- Dana Point Library

KATHY M. WARD, CITY CLERK
Dana Point, California

Action Document B**CITY OF DANA POINT
COUNCIL POLICY**

SUBJECT: Audio and Videos Tapes of City Meetings	PAGE: 1 of 1	EFFECTIVE DATE: 11-23-93 AMENDED DATE: 11/09/06 09/19/17	POLICY NO.: 109
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PURPOSE:

To establish a uniform policy for the handling of requests from the public to review of and/or duplicate copies of recorded audio/videos tapes of City meetings.

BACKGROUND:

At the time this policy was adopted in 1993, there were no written policies or guidelines for handling requests from the public for reviewing and/or duplication of audio and video tapes of City meetings.

In 1999, Ordinance No. 99-02 (Municipal Code Section 2.04.041) was adopted to provide provisions regarding the retention of meeting tapes and their accessibility to the public.

At the August 15, 2017, City Council meeting, Council modified the City's Records Retention schedule for recorded audio/videos from three years to permanent retention.

POLICY:

All audio and video tapes of City meetings are the property of the City of Dana Point and are retained and destroyed in accordance with City Ordinance and or the City's Records Retention Schedule (Municipal Code Section 2.04.041).

Audio/video tapes recordings of City Council and other City Commission/Committee meetings will be available for public review through the City's website. and or duplication until their destruction date as prescribed by Ordinance or the City's Records Retention Schedule. Appropriate staff members are to be in attendance at all times during the reviewing of audio tapes of City meetings by members of the public. Fees for staff attendance during the review of audio tapes shall be in accordance with hourly staff rates established by Ordinance or the City's Schedule of Services Fee Charges Resolution.

City staff will make available to the public upon request copies of recorded audio and videos of City meetings until their destruction date as prescribed by Ordinance. Members of the public may receive a duplicate copy of a recorded City meeting audio/video tape, or any portion thereof, by contacting the City Clerk and requesting same. Fees for the duplication of audio/videos tapes of City meetings shall be in accordance with rates established in the City's Schedule of Services Fee Charges Resolution.

Copies of City meeting ~~audio/videos and audio tapes~~ **audio/videos** obtained by members of the public are provided as a convenience to our citizenry. Said recordings are deemed official records of the City and may not be duplicated for profit, and or used for broadcast or mass media purposes.