

ORDINANCE NO. 3422

ORDINANCE OF THE CITY OF CHULA VISTA RESCINDING
SUBSECTION 2.25.230 (C) OF THE CHULA VISTA
MUNICIPAL CODE PERTAINING TO THE RECORD
RETENTION POLICY FOR AUDIO RECORDINGS OF
BOARDS AND COMMISSION MEETINGS

WHEREAS, the City Council adopted Ordinance No. 3111 providing for General Rules Governing the City's Boards and Commissions; and

WHEREAS, Subsection 2.25.230 (C) of the Municipal Code provides that audio recordings of Board and Commission meetings shall be erased after the meetings have been approved, or after one year, if a public hearing was involved; and

WHEREAS, Section 54953.5 (b) of the Government Code of the State of California provides that audio recordings of an open and public meeting made for whatever purpose by or at the direction of the local agency may be erased or destroyed 30 days after the recording; and

WHEREAS, the City Council is revising a Records Retention Schedule that provides for the retention of audio recordings of Board and Commission meetings for 2 years.

NOW, THEREFORE, the City Council of the City of Chula Vista, does hereby ordain as follows:

Section I. Subsection 2.25.230 (C) pertaining to the retention of audio recordings for the City's board and commission meetings is hereby rescinded.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

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Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.


Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

[SIGNATURE PAGE TO FOLLOW]

Presented by

Approved as to form by

DocuSigned by:

3074D104EAF342E...
Kerry K. Bigelow
City Clerk

DocuSigned by:

CF406650850444BF...
Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 20th day of March 2018, by the following vote:

AYES: Councilmembers: Aguilar, Diaz, McCann, Padilla, and Salas

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

DocuSigned by:

062BED7C0386456
Mary Salas, Mayor

ATTEST:

DocuSigned by:

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Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3422 had its first reading at a regular meeting held on the 13th day of March 2018 and its second reading and adoption at a regular meeting of said City Council held on the 20th day of March 2018; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

3/23/2018
Dated _____

DocuSigned by:

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Kerry K. Bigelow, MMC, City Clerk