

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the cases entitled First Amendment Coalition v. City of Los Angeles, Los Angeles Superior Court Case No. BS164485 (this pending litigation concerns the City's Records Disposition Schedules):

1. AUTHORIZE the City Attorney to settle the above-entitled matter along the following proposed key terms:

a. Government Code Section 34090

The City agrees that Government Code Section 34090 does not allow for the destruction of documents less than two years old.

b. City's Administrative Code

The City agrees that Section 12.3 *et seq.* of the Administrative Code requires all records to be retained for a minimum of two years unless a shorter period is otherwise permitted by law or a longer period is otherwise required by law, or unless, consistent with state law, a different period of retention is established by order or resolution of the City Council subject to the notice provision described below.

c. Records Disposition Schedules

The City agrees to add to all currently existing and future Records Disposition Schedules (as that term is defined in Section 12.3 *et seq.* of the City's Administrative Code) the following Schedule Item Number at the top of the schedule:

"All records shall be retained for a minimum of two years, including records not included in the Schedule items listed below unless a shorter period is otherwise specified by law or a longer period is otherwise required by law, or unless, consistent with state law, a different period of retention is established by order or resolution of the City Council."

The City also agrees that any provision of law which the City relies on to implement a records disposition schedule of less than two years shall be enumerated in the Records Disposition Schedule.

d. Notice

For a period of five years after the date of the Settlement, should the City take any future action to establish a records retention period of less than two years for any record or category of records, such action shall not be implemented until the First Amendment Coalition receives at least thirty (30) days' notice of such action by mailing notice to its executive director at the address listed on the First Amendment Coalition's website or the First Amendment Coalition provides written notice of agreement to such action, whichever comes first.

e. In exchange for these terms, and the payment of the First Amendment Coalition's attorneys' fees and costs (\$20,000), the City receives a full release for the claims asserted in the Litigation.

2. AUTHORIZE the City Attorney, or designee, to execute all documents necessary to implement the proposed Settlement.

This matter was recommended for approval by the Budget and Finance Committee (Krekorian – Koretz – Blumenfield: “Yes”) at its meeting on September 18, 2017, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
PAUL KORETZ
Councilmember, 5th District

REW
CF 17-0814
September 18, 2017

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