



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 10-070 Council District:

For Meeting of September 8, 2009
(Adoption Date)

TITLE: A RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS WHICH HAVE BEEN DAMAGED AND HAVE NOT MET THEIR LEGAL RETENTION PERIOD.

PURPOSE(S) OF ACTION: To authorize the destruction of damaged records which have not met their legal retention period.

Name of Drafter: Esther Martinez <i>EM</i>		Department: Legal/City Clerk		Phone: 541-2115	
Department	Signature	Phone	Department	Signature	Phone
City Clerk's Office	<i>EM</i>	541-2116	Budget	<i>Richard Gutierrez</i>	541-2281
Community Development	<i>DW</i>	528-3067	Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In preparation for the move to the new city hall an inventory was conducted of the records stored in the basement of the City Office Center. It has been determined that various rolled plan sets from 2000 to 2006 have been damaged by a water leak from an overhead sewer line and building flooding. The records have mold and it is a health risk for employees to handle these plans.

An assessment and proposal for mold remediation by Border Demolition & Environment Inc., of El Paso, Texas was performed. Their assessment indicates that the plans contaminated by mold should be disposed.

Other boxes in the basement have been exposed to mold and need to be remediated before they are transferred to the new City Hall. At this time a plan is being devised.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Resolution.
2. Exhibit "A" – List of Records
3. Attachment "A" – Memo from Robert Kyle, Building Official.
- 4.

(Continued on Page 2)

OPTIONS / ALTERNATIVES:

1. Approve the Resolution. This action will allow the destruction of the infected plan sets and limit the health risks of individuals accessing the basement storage room.
2. Amend and approve the Resolution. Amend the Resolution to address any concerns the Council may have regarding the infected plan sets.
3. Disapprove the Resolution. Such action will result in the infected and moldy remaining in the City Office Center basement storage room until other actions can be implemented to make them capable of being kept until their full retention period is over.
4. Table or postpone the Resolution and direct staff accordingly.

RESOLUTION NO. 10-070

A RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS WHICH HAVE BEEN DAMAGED AND HAVE NOT MET THEIR LEGAL RETENTION PERIOD.

The City Council is informed that:

WHEREAS, an inventory of records in the basement of the City Office Center was completed, and

WHEREAS, it was discovered that various rolled plan sets have been exposed to a water leak from an overhead sewer line and are now infected with mold, and

WHEREAS, transferring the exposed records to the new City Hall poses a health risk to City employees and also poses a danger of further contamination to other records, and

WHEREAS, the damaged records are files consisting of building construction and subdivision construction plan sets; and

WHEREAS, the legal retention period is 10 years; and

WHEREAS, decontamination of affected records would be extremely costly to the City.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the records identified in "Exhibit A" are authorized to be destroyed by appropriate method as prescribed by the Custodian of Record.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this 8th day of September, 2009.

Approved:

(SEAL)

Mayor

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Archuleta: _____
Councillor Small: _____
Councillor Jones: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

EXHIBIT "A"

<u>Records Series #</u>	<u>Records Series Name</u>	<u>Location of Records</u>	<u>Cu. Ft.</u>
1.19.8.204	Building Inspection Files	Basement/COC	216

The records are various rolled plan sets for building construction and subdivision construction ranging from years 2000 to 2006.

**City of Las Cruces****Community Development
Interoffice Memorandum**

TO: Esther Martinez, City Clerk

FROM: Robert Kyle, Building Official *RK*

THRU: David Weir, Community Development Director *DW*

SUBJECT: Destruction of records

DATE: July 29, 2009 M-09-172

This is a request to destroy certain records prior to their adopted destruction date:

Records Series Name: Building Inspection Files
Records Series Number: 1.19.8.204

The records requested for destruction are various rolled plan sets for building construction and subdivision construction ranging from years 2000 to 2006. The retention period for the plans is 125 years.

The plans are currently stored in the basement of the City Office Center and take up approximately 216 cubic feet of wall space. The affected plans are rolled and not stored in individual boxes due to their size. Many of the plans have been exposed to water damage due to leaks in an overhead sewer line which has not been adequately repaired and have subsequently gotten mold damage. The mold has spread to other plans. The affected and exposed plan sets are not safe to use given the mold growth and potential negative health impacts and should not be moved into the new City Hall. It is not cost effective to try to remove the mold and salvage the drawings.

As such, we are seeking permission to destroy the affected plan sets.

Please advise should you require additional information.

Cc: Dianne Wax