



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

**STATE LIBRARY AND ARCHIVES OF FLORIDA**

**KURT S. BROWNING**  
Secretary of State

March 9, 2009

Ms. Pamela J. Lopez, MMC, City Clerk  
City of Lake Worth  
7 North Dixie Highway  
Lake Worth, FL 33460

Dear Ms. Lopez:

Enclosed please find a copy of your Request for Records Retention Schedule for Minutes: Official Meetings (Preliminary/Audio Recordings/Video Recordings). We are not approving your request because an appropriate minimum retention period has already been established for these records under *General Records Schedule GS1-SL for State and Local Government Agencies*, Item #4, Minutes: Official Meetings (Preliminary/Audio Recordings/Video Recordings).

In Attorney General's Opinion AGO 75-45, reaffirmed by AGO 82-47, the Attorney General stated that:

Sound or tape recorders may be used to record all of the proceedings before a public body so long as written minutes of such meetings are promptly recorded for public inspection as required by s. 286.011, F. S., and the written minutes and tape or sound recordings are preserved in compliance with the provisions of s. 267.051, F. S.

Section 267.051, F.S. (now s. 257.36, F.S.) assigned to our agency the authority to establish schedules for disposal of public records. Our agency has determined that, since the official, permanent record of a public meeting is the minutes required by 286.011, F.S., there is no need to require long-term retention of preliminary, audio, or video records of a meeting and that 2 years is sufficient to ensure the required "prompt" recording of the permanent minutes. That is the basis for the 2 year retention for meeting audio/video recordings set forth in GS1-SL, Item #4.

**DIRECTOR'S OFFICE**

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
(850) 245-6600 • FAX: (850) 245-6735 • TDD: (850) 922-4085 • <http://dilis.dos.state.fl.us>

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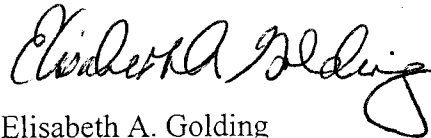
**RECORDS MANAGEMENT SERVICES**  
(850) 245-6750 • FAX: (850) 245-6795

**ADMINISTRATIVE CODE AND WEEKLY**  
(850) 245-6270 • FAX: (850) 245-6282

It is not necessary to establish an individual retention schedule requiring a longer retention period than that set forth in the General Records Schedules unless a particular statutory or regulatory requirement imposes stricter retention requirements or differing responsibilities on a particular agency or jurisdiction. As noted in the GS1-SL, "The retention periods set forth in the general records schedules are based on federal and state laws and regulations, general administrative practices, and fiscal management principles. Please note that these are *minimum* retention periods; public agencies may retain their records longer at their discretion." In addition, by establishing a permanent retention schedule for these records for your city, we would be imposing a substantial additional financial burden on your city (for permanent storage, maintenance, and the continued migration/conversion/reformatting necessary to maintain continued access) by requiring retention of the records for longer than their actual legal, fiscal, administrative, or historical value would merit.

If you have questions about this or other records retention requirements, please feel free to contact us at any time at 850-245-6750, e-mail [recmgt@dos.state.fl.us](mailto:recmgt@dos.state.fl.us).

Sincerely,



Elisabeth A. Golding  
Archivist Supervisor II  
Collections Management and Records Analysis

enc.

# RECORDS RETENTION SCHEDULE

*This page for Department of State use only.*

SCHEDULE NO. 10

Agency No. M0402000

Agency Name: **City of Lake Worth**

## Record Series Title, Description, and Retention

If approved, this records retention schedule remains in effect until there is a change in series content or until other factors are introduced which would affect the retention period, at which time a new request for an individual records retention schedule should be submitted for approval. If a new general records schedule is later established that requires an equal or longer retention period for the same records, that general records schedule supersedes this individual records retention schedule.

Approved

Disapproved

Comments: Use:

**MINUTES: OFFICIAL MEETINGS (PRELIMINARY/AUDIO RECORDINGS/VIDEO RECORDINGS)** Item #4

This record series consists of handwritten or typed notes and/or audio and/or video recordings of official meetings as defined in s. 286.011(1), F.S. See also "MINUTES: OFFICIAL MEETINGS" and "MINUTES: OFFICIAL MEETINGS (SUPPORTING DOCUMENTS)."

**RETENTION:**

- a) Record copy. 2 anniversary years after adoption of the official minutes or certification of transcript.
- b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

### Schedule Review

Analyst Review

*Brenda T. Lopez* 3/9/09

Archivist Review

X

Supervisor Review

*Caroline A. Pollock*

### Schedule Approval

**DISAPPROVED**

Director

Date

Division of Library and Information Services  
Florida Department of State



## OFFICE OF THE CITY CLERK

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1662 · Fax: 561-586-1750

March 2, 2009

Florida Department of State  
State Library and Archives of Florida  
Mail Station 9A  
Tallahassee, FL 32399-0250

To it May Concern:

Attached please find a Request for Records Retention Schedule from the City of Lake Worth. On February 3, 2009, the City Commission, by motion, approved changing the retention of audio recordings from two years to permanent. Along with Form LS5E105Rev., I have enclosed a certified copy of that portion of the minutes as evidence of the Commission's desire.

If you have any question, do not hesitate to contact me at the above address, or via email at [plopez@lakeworth.org](mailto:plopez@lakeworth.org).

Sincerely,

Pamela J. Lopez, MMC  
City Clerk

Enclosures:  
Form LS5E105Rev.  
Portion of Feb. 3, 2009, minutes



## Request for RECORDS RETENTION SCHEDULE

*Department of State Use Only*  
**SCHEDULE NO.** \_\_\_\_\_

**Agency No.** \_\_\_\_\_

- New Schedule  
 Revise Existing Schd # 4

### Agency Information

**1. Agency**

Name: City of Lake Worth  
Division: City Clerk  
Bureau:

**2. RMLO Contact Information**

Name: Pamela J. Lopez  
Phone: 561 586 1662  
E-mail: plopez@lakeworth.org  
Address: 7 North Dixie Highway  
Lake Worth, FL 33460

**3. Custodian**

Name: Pamela J. Lopez  
  
Phone: 561 586 1662

### Record Series Information

Retention schedules are established for **record series**, regardless of media or format. A record series is a group of related public records arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use.

**4. Proposed Record Series Title.** Provide a brief phrase summarizing the form, function and/or subject of the records, without using agency jargon or abbreviations.

MINUTES: OFFICIAL MEETINGS (PRELIMINARY/AUDIO RECORDINGS/VIDEO RECORDINGS)

**5. Record Series Description.** Provide a general description of the record series, including its purpose and use. This information should enable someone not familiar with the record series to identify it and understand its contents. Please attach any related forms or other documentation.

This record series consists of handwritten or typed notes and/or audio and/or video recordings of official meetings as defined in s. 286.011(1), F.S.

**6. What is the primary purpose of this record series?**     *Administrative*     *Legal*     *Fiscal*

Is this record series subject to audit?     *Yes*     *No*

List any federal, state, or local statutes, laws, ordinances, rules or other legal or regulatory requirements specifically relating to this record series. Please attach copies, if available.

On February 3, 2009, the City Commission, by motion, approved changing the retention of audio recordings from 10 years to permanent.

### Agency Recommended Retention

**7. Based on your agency's knowledge of the record series and its function, what is your agency's recommended retention period?**

**Record Copy:** Permanent

**Duplicate Copies:** Retain until obsolete, superseded, or administrative value is lost

### Agency Authorization

**8. Authorized by:**

*Pamela Lopez*  
Signature

*City Clerk*  
Title

*3/2/09*  
Date

PLEASE SUBMIT TO:

Florida Department of State  
State Library and Archives of Florida

INFORMATION  
 REQUEST  
 2009 MAR -5 AM 11:08

I hereby certify the foregoing to be a true and correct copy  
of Item B of the 2/13/09 Commission  
minutes

ORGANIZED ACTIVITIES OR POTENTIAL INJURIOUS GAMING IN  
CERTAIN PARKS; PROVIDING FOR SEVERABILITY; PROVIDING THAT  
CONFLICTING ORDINANCES ARE REPEALED; AND PROVIDING AN  
EFFECTIVE DATE.  
In Witness whereof, I have hereunto set my hand and  
affixed the official seal of the City of Lake Worth, Florida.  
[Signature] 3/2/09  
Date City Clerk

**B. Deny a request to extend the State's Retention Schedule for audio tape/CD recordings of all public board and committee meetings**

City Clerk Lopez read into the record Florida Statute Section 119.07(1)(a) which stated, "every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records."

She said she did not understand the publics' comments about space to store CDs or audio tapes, since that was not an issue. She explained that the burden on departments to maintain their electronic records as permanent or long-term in accordance with State Laws would be insurmountable, and expecting the City to manage the compliance of State Laws with existing staff was unrealistic. Based on the speed in which technology was advancing, State Laws were not current with technological changes, creating recordings now obsolete with Live Audio, the burden which would be placed on all departments that create electronic audio records, and knowing that the City could not realistically comply with State Laws, she recommended against extending the retention of electronic records.

She explained that creating an audio recording was not a requirement, but used as a tool by board secretaries to transcribe minutes. The State's Retention Schedule classified audio recordings as "Minutes: Official Meetings (Supporting Documents)", and did not distinguish between Commission versus other official meetings. She advised that the retention would apply to all boards and committees, in addition to City Commission meetings. According to the Florida Administrative Code, the City could not store its audio recordings on audio cassettes for long-term or permanent records. She said staff would have to convert its audio cassette records to CD.

Commissioner Jennings supported purchasing digital equipment or requiring all boards to meet in City Hall because of the existing digital equipment. She said it was incumbent to have long-term retention.

Mayor Clemens suggested all boards meet at City Hall and to retain all audio records from this point forward.

Action: Motion made by Commissioner Jennings and seconded by Commissioner Mulvehill to change the retention of audio recordings from two years to permanent; requested the City Clerk assess the necessary supplies that would

need to be purchased; and to bring the purchase request back to the Commission.

Vote: Voice vote showed: AYES: Mayor Clemens; Vice Mayor Golden; and Commissioner Lowe, Jennings, and Mulvehill. NAYS: None.

**C. Discuss funding by the Community Redevelopment Agency for Community Policing**

Commissioner Jennings said she thought the City paid more for the Palm Beach Sheriff's Office (PBSO) contract in order to increase patrols and shifts. She asked about the necessity to fund community policing in the Community Redevelopment Agency (CRA) district.

Mayor Clemens advised that the only additional City expenditure for the PBSO contract was funding the City's pension liability.

Joan Oliva, CRA Director, explained that \$340,000 was included in the CRA's budget for police patrol, but it would only cost \$90,000 for one officer because the City contracted with PBSO. This item would provide support for the new Code Compliance Inspector.

Commissioner Jennings asked if there were existing deputies that could be used in the downtown corridor.

Captain Silva answered that the agreement with the City provided for a 91-sworn officer allocation. There were seven community policing officers, and this officer would be used exclusively for the CRA and under the control of the CRA. The CRA's contract with PBSO was already executed and an officer would be assigned on February 15, 2009. This officer would be in addition to the 91 officers allocated to the City. He said a community police was assigned to the Tropical Ridge neighborhood, and the officer attended their neighborhood association meetings.

Mayor Clemens clarified that PBSO's contract with the CRA would take care of what they were doing before the merger with the PBSO. He asked about the officer's salary.

Commissioner Jennings said \$90,000 was a lot of money for one officer. For that amount, people could be hired to address other concerns or fund a program.

Captain Silva answered that the salary was between \$40-60,000 plus a car and benefits for a road patrol.

Ms. Oliva answered that the balance of the \$340,000 would be used for other