



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
October 1, 2014**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Records Destruction
DATE: September 23, 2014

RECOMMENDATION:

By resolution, authorize destruction of City files pertaining to the City Clerk's Office and Personnel Division.

BACKGROUND:

Under Title 2, Section 2.76.030, of the Martinez Municipal Code, the City Clerk is responsible for the administration of the City's Records Management Program. As part of this program, the Clerk's Office reviews records to determine the need for retention of the original record or conversion of records by laserfiche or destruction of originals without retention of copies.

The City Clerk's records listed in Exhibit "A" have been retained as required by Government Code 12946. Files have been laserfiched, unless indicated as *not laserfiched* and have been approved for destruction by the City Attorney's Office.

FISCAL IMPACT:

No impact to the General Fund.

ACTION:

Adopt resolution authorizing destruction of City records.

Attachment:
Resolution – Exhibit A

APPROVED BY:


Interim City Manager

RESOLUTION NO. -14

AUTHORIZING DESTRUCTION OF FILES SPECIFICALLY PERTAINING
TO THE CITY CLERK'S OFFICE AND PERSONNEL DIVISION

WHEREAS, Government Code Section 34090 provides that certain City records, documents, or instruments may be destroyed, with the approval of the City Council by resolution and with the written consent of the City Attorney; and

WHEREAS, the Martinez Municipal Code, Title 2, Section 2.76.030 gives the City Clerk the responsibility for the administration of a Records Management Program; and

WHEREAS, the records indicated in Exhibit "A", are considered permanent records and have been scanned into the City's Laserfiche Program unless the records are indicated as *not* scanned.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez that the files listed in Exhibit "A" have been managed in accordance with the City's records retention schedule and Government Code and will be destroyed.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 1st day of October, 2014, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

**RESOLUTION NO. -14
EXIHIBIT "A"**

PERSONNEL: Temporary Employees (Laserfished):

Last Name	First Name	Last Name	First Name
ABRAHAM	JAYNI	DRUCKER	CHANEL
AITA	MICHAEL	DUQUETTE	KAMERON
ASTON	KATHLEEN	FARLEY	ZACHARY
ATKINSON	BRIAN	FARLEY	VINCENT
AUER	KENNETH	GHAFFARPOUR	SINA
BALESTRIERI	SAVANNAH	HARPER	COURTNEY
BERNAL	MELANIE	HOLLIS	RONALD
BLOUNT	TERRY	JENNINGS	KATELIN
BRADLEY	JESSICA	JOSHUA	LOVELL
CHRISTOLOS	NICHOLAS	KEGAN	MICKEY
CLEMENT	WYLIE	KENNEDY	JANET
COTTER	JOHN	LAMBERTS-LIVINGSTON	KORY
CUNHA	ANGELA	LAND	AMANDA
CUTRIGHT	RICHARD	LESAGE	JINELLE
DAHMS	ELYSE	LINDER	BETHANY
DAUBENSPECK	DEBRA	LINN	GREGORY
DEL FIORENTINO	JOHN	LITTLE	GREGORY
MCKINNEY	ALEX	LITTLE	MARY
MILLER	DANIEL	LOPEZ	RICHARD
MONTERROSA	LINDSAY	LUCIDO	DANIELLE
MOORE	JESSICA	LUNDY	INDIA
NICOLELLA	MEGHAN	VERESCHAGIN	CARA
PENSE	ROBBIE	WHITNEY	CAITLIN
PILGRIM	JEDADIAH	WIEBE	KELLIE
RICCI	MARIA	WIERSCHEM	MICHELLE
RICCOBONO	NICHOLAS	WILSON	MITCHELL
SAMUELSON	KATIE	WISE	RANDY
SAMUELSON	MATTHEW	WONG	MARISSA
SIMONETTI	JONATHON	YATES	NICOLE
TAKEMORI	BETTY	YIM	SINCLAR

CITY CLERK: SUBPOENA (DUCES TECUM) LOG NOT LASERFICHD

Date	Name of Sender	Plaintiff	Defendant	Comments
08/2/00	Perry, Johnson, Murray Anderson 703 2 nd Street, 4 th floor Santa Rosa CA 95404	Rodger, Stoffel & Borges	Fletcher, Neill	Production of Business Records Completed
11/30/00	Dryden, Margoles, Schimaneck One California St #2600 S F CA 94111	Charles Steele	Plumbing by Rivers	Production of Business Records 2 subpoenas filed; second amended Cancelled upon Mr. Steele's request.
1/29/01	Jones, Clifford, McDevitt & Johnson, LLP 100 Van Ness Avenue 19 th fl SF CA 94102	Marcial Villareal	Vali Cooper & Associates, Inc	Production of Business Records Completed 2/13/01.
1/31/01	Stuart Safine 2280 Diamond Blvd, #350 Concord CA 94520	Howard & Melanie Moss	Richard Ysuza, et. al	Production of documents Completed 2/6/01
5/15/01	C. McBride 706 Tuolumne Street Vallejo CA 94590	County of Solano	People v. Nassib Yusuf	Production of Records Completed 5/22/01
8/13/01	Hunt & Henriques 151 Bernal Road #8 San Jose CA 95119	Citibank	Denise Taylor	Earnings withholding Order Completed by Payroll
3/18/02	Rogers, Joseph O'Donnell & Phillips 311 California St, 10 th Floor SF CA 94104	Levingston, Duplessis	Albertsons, Inc.	Request for business records Completed 3/29/02
3/25/02	Anderson, Bonnifield & Cottle One Corporate Center	Shiv Kumar	John Rahimi	Request for records Completed 3/27/02

	1320 Willow Pass Road Concord CA 94520			
4/24/02	Black Brown Lanier & Jackson 10329 San Pablo Ave El Cerrito CA 94530	Roger Ray	Sharon Ray	Request for Records Completed 6/5/02
5/15/02	Bruce C.F. McArthur 1220 Oakland Blvd, #200 Walnut Creek CA 94596	Duarte & Witting Chrysler Plymouth	William Peluso	Production of Records Completed 5/30/02
6/6/02	Offices of Jon Webster 1985 Bonifacio Street, 102 Concord CA 94520	Robert Voelker	John Young	Subpoena for Personal Appearance 7/12/02, 9 AM 640 Ygnacio Valley Rd Walnut Creek Completed: Appeared as requested
6/28/02	C. McBride 706 Tuolumne Street Vallejo CA 94590	People v. Nassib Yusuf		Request for Records Completed 7/10/02
6/12/03	Porter, Scott, Weiberg & Delehant	Jeffrey Williams	County of Marin, et al	Request for payroll records. No records (Police Reserve). Completed 6/19/03
7/03		Joseph Lappin	Contra Costa County	Request for Records Closed 7/31/04
7/18/03	Biesty, Garretty & Wagner 800 Wilshire Blvd, #350 Los Angeles CA 90017	Rodney Guerra	Ehmke	Production of Business Records Completed 7/31/03
9/4/03	McNulty & Saacke 150 Wiget Lane #201 Walnut Creek CA 94598	Harris	Costco	Production of Business Records Completed 9/19/03
9/5/03	Adams Nye Sinunu & Walker 633 Battery Street, 5 th Floor SF CA 94111	Allstate Insurance Co.	Cherie Huillade	Request for records Completed 9/8/03
9/26/03	Wild, Carey & Fife 120 Montgomery Street San Francisco CA 94104	Raymond Bourget	Greystone Homes	Subpoena for Production of Business Records and/or Appearance. Completed 10/29/03.

11/26/03	Matheny, Sears, Linkert & Long 3638 American River Dr Sacramento CA 95864	Raymond Bourget	Greystone Homes,	Notice of Deposition - Records only. Completed 1/9/04.
3/12/04	Law Offices of Gearheart & Otis 367 Civic Drive, Ste, 17 Pleasant Hill CA 94523	Bruce Reeves	City of Martinez	Subpoena for Records. Completed 03/04
3/12/04	Roger Ray v. Sulzer Spine Tech Surgical	Jones, Clifford, Johnson & Johnson LLP	Seeger & Salvas, LLP	Subpoena for Records.
4/7/04	Kurt V. Osenbaugh Todd Benoff Weston, Benshoof, Rochefort, Rubalcava, & MacCuish 333 South Hope Street, 16 th fl Los Angeles CA 90071	State of California	James Jones	Deposition Subpoena for appearance and production of documents. 4/29/04 at 9:00 am Walnut Creek Marriott. Completed appearance made, Dave Scola.
04/17/04	Superior Court Concord Small Claims Court	Wade Peyrucain	City of Martinez	Violation of City's Zoning laws, right to impartial hearing. Court appearance 7/7/04@ 1:30 pm 2970 Willow Pass Rd Concord. Dismissed as not the proper venue 7/15/04. Closed by CCCMRMIA GL-004696 - 9/27/04
5/7/04	State of California Dept. of Industrial Relations 1515 Clay Street, Suite 108 Oakland CA 94612	State v. All State Glass Center or Glass Center of America		Request for records and/or notice to appear. Completed 5/13/04
10/1/04	Stuart Safine 1280 Diamond Blvd, #350 Concord CA 94520	Nels Carlson	Kenneth & Paulette Waters	Subpoena for production of records. 37 Bridgehead Rd Completed 10/8/04.
10/12/04	Lenore Rae Shefman, Esq 610-16th Street, #516 Oakland CA 94612	Wallace & Judith Pruett	Anthony & Sylvan Pools	Subpoena for Personal Appearance of Dennis Williams. 10/21/04 at 1 pm Hancock Rothert Bunshoft 4 Embarcadero Center, 3 rd Floor

				San Francisco CA 94111 Continued to January 05 Closed 2/22/05; D. Williams made appearance on 2/9/05.
10/26/04	Stephan C. Williams 1615 Bonanza Street, #211 Walnut Creek CA 94596	Velma Jacobson	Ahmed Ali	Subpoena for Records. International House of Pancakes. Completed: 11/1/04
02/08/05	Lenore Rae Shefman, Esq. 610 - 16 th Street, Suite 516 Oakland CA 94612	Wallace and Judith Pruett	Anthony & Sylvan Pools	Subpoena for Personal Appearance and Production of Documents. 828 Marie Ave. Closed records produced on 2/9/05.
2/11/05	U.S. Attorney's Office Dept of Justice Steve J. Saltiel, Esq 450 Golden Gate Ave, 10 th fl San Francisco CA 94102	Minami, Lew & Tamki LLP	U.S. Attorney's Office Dept. of Justice	Steven Botello VS. R.L. Browne, Acting Secy of US Dept of Army Subpoena in a Civil Case; request for records. Settled 2/22/05 per U.S. Attorney's Office.
10/18/05	Stephanie Duchene Sonnenschein Nath & Rosenthal LLP 585 Market Street, 6 th floor SF CA 94105	Duarte and Witting Inc. Nader Chrysler Plymouth	Universal Underwriters Ins.	Subpoena Civil Case; produce and/or inspect records. Closed records produced on 11/4/05.
2/17/06	Sonnenschein Nath & Rosenthal 685 Market St, 6 th floor SF CA 94105	Duare & Witting Inc. Naser Chrysler Plymouth	Universal Underwriters Ins.	Subpoena for Deposition by Don Salts on 3/22/06 at 1:00 pm in SF \$150 paid Closed; appearance made.
3/23/06	Gerald. F. Kelly, Esq. Caltrans San Francisco Legal Division 595 Market Street, Ste 1700 SF CA	Adam Chrismer	State of California	Production of Business Records; payroll, etc. Closed; completed 3/31/06
6/19/06	Paul M. Koenig 1450 Maria Lane Suite 400 Walnut Creek CA 94596	Tamara E. Caldera	Steven M. Caldera	Production of Business Records; payroll, etc. Closed; completed 6/29/06

9/1/06	Superior Court Co. Co. Co. Concord Branch 2970 Willow Pass Road Concord CA 94519	Asa Sharma	Martinez P.D.	Informal Discovery Request Production of records. Closed; completed 9/15/06
10/13/06	Superior Court Co.Co.Co. 725 Court Street Martinez CA 94553	Samuel & Nancy Rubino	Mt. View Sanitary District	Civil Subpoena for personal appearance. Dave Scola 10/17/06; Closed
1/14/08	Quest Discovery Services 2025 Gateway Place, Suite 330 San Jose, CA 95110	Andrews	Thompson	Records for 1210 and 1220 Rolling hill way. Completed 1/14/08
1/14/08	Jeffrey J. Rooney, Esq 319 Diablo Road, Suite 200 Danville, CA 94526	Richard Vanderkous	Nanette Ujdur Conley	Subpoena for Personal Appearance, Corey Simon & Karen Majors January 29 th , 2008 @ 9:05 am 725 Court Street, Dept 16 Completed 2/14/08
1/17/08	Nina Reynolds, Esq Peterson, Weyand & Martin 49 Stevenson Street, 10 th floor San Francisco, CA 94105	Andrews	Thompson	Deposition Subpoena for Production of Business Records. Completed 1/14/08
1/16/08	Todd L. Schultz Kirby& Schultz 111 Deerwood Road, Ste. 111 San Ramon, CA 94583	Richard Vanderkous	Nanette Ujdur Conley	Subpoena for Personal Appearance, Corey Simon & Khalil Yowakim January 29 th , 2008 @ 1:30 pm 725 Court Street, Dept 16 Completed 2/14/08
2/5/08	Douglas K. Poulin The Williams Firm 1850 Mt. Diablo Blvd, Suite 340 Walnut Creek, CA 94596	Andrews, Muramoto	California Prudential Realty	Deposition Subpoena for Production of Records for 1200, 1210, 1211, 1221 & any address between 1200 and 1240 Rolling Hill Way, Martinez Completed 2/14/08
2/13/08	Joseph Costella & Associates Edwin Nakagawa 215 Lennon Lane Walnut Creek	Larry Crosby	Brotherhood of Teamsters #315	Subpoena for Records; Plans & Specs for Castro Street 2800 block; Alhambra Creek, D Street Bridge. Completed 3/10/08.

4/4/08	Edwin S. Nakagawa Joseph Costella & Associates 215 Lennon Lane Walnut Creek	Larry Crosby	Brotherhood of Teamsters #315	Deposition Subpoena Amended. Documents T.Tucker; April 29, 2008 at 10:00 am Flooding incident Completed 4/29/08
5/5/09	Associated Reproduction Services 13925 Whittier Blvd Whittier CA 90605	Robin Gonzales	City of Martinez Police Dept	Subpoena for records, May 20, 2009 at 9:00 a.m. Amended subpoena filed 5/13. City Attorney filed a motion to quash. Closed
8/18/09	Leondardo J. Vacchina, Esq Berry & Berry 2930 Lakeshore Ave Oakland CA 94601	Chavez, Thomas	Bucyrus International	Subpoena for Records; 9/2/09 100 Webster Street, #201, Oaklands Completed on 9/1/09
10/16/09	William Bates III Bingham McCutchen LLP 1900 University Avenue East Palo Alto, CA 94303	Ostrosky Enterprises, Inc.	City of Martinez	Civil Subpoena for Personal Appearance. Menesini Personal Appearance at 8:30 am on October 26, 2009. Completed

Prepared by:

Approved by:

Mercy G. Cabral
Deputy City Clerk

Alan Shear
Assistant City Manager

Approved by:

John Abaci
Assistant City Attorney