



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
February 16, 2011**

TO: Mayor and City Council
FROM: Gary D. Peterson, Chief of Police
SUBJECT: Destruction of 2004 Internal Affair Investigation Files
DATE: January 31, 2010

RECOMMENDATION:

Approve the attached resolution for the annual destruction of internal affair investigation files pertaining to the Police Department.

BACKGROUND:

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. The police department is seeking permission for the destruction of the internal affair investigation files, both generated internally and by citizen complaint, for the year of 2004.

Internal affair investigations files are retained for a minimum of 5 years per Government Code 12946 and Penal Code 832.5.

FISCAL IMPACT:

None.

ACTION:

Motion approving resolution authorizing destruction of the 2004 Police records.

A handwritten signature in cursive script, appearing to read "Philip Vance".

APPROVED BY: City Manager

RESOLUTION NO. -11

AUTHORIZING DESTRUCTION OF FILES SPECIFICALLY PERTAINING
TO THE POLICE DEPARTMENT

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, it has been determined that records pertaining to the Police Department, and as indicated in Exhibit "A", can be destroyed without the files being converted to laserfiche.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez that the files in Exhibit "A" have been managed in accordance with the City's records retention schedule 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 Regular Meeting of said Council held on the 16th day of February, 2011, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

EXHIBIT "A"

RESOLUTION NO. -11

Internal Affairs Inside (Complaints generated from within the
Dept. aka IAI) Records Log 2004

IAI #1-04

IAI #2-04

IAI #3-04

Internal Affairs (Citizen Complaints aka IA) Records Log 2004

IA #1-04

IA#2-04

IA#3-04

Prepared by:

Approved by:

Renee Jacobs
Police Secretary

Gary Peterson
Chief of Police

Approved by:



John Abaci
Assistant City Attorney