



**CITY OF MARTINEZ**

**CITY COUNCIL AGENDA  
March 21, 2012**

**TO:** Mayor and City Council  
**FROM:** Gary D. Peterson, Chief of Police  
**SUBJECT:** Destruction of Background Investigation Files from  
January 1, 1998, through March 20, 2010  
**DATE:** March 8, 2012

**RECOMMENDATION:**

Approve the attached resolution for the destruction of background investigation files on applicants who were not hired for employment with the City of Martinez Police Department where background investigations were completed between January 1, 1998, and March 20, 2010.

**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 background files on applicants who were not hired for employment between January 1, 1998, and March 20, 2010.

Government Code 34090 allows for the destruction of investigative files after two years on applicants who are not hired for employment.

**FISCAL IMPACT:**

None.

**ACTION:**

Motion approving resolution authorizing destruction of the background investigation files on applicants not hired by the Martinez Police Department between January 1, 1998, and March 20, 2010.

Attachment: Resolution

**APPROVED BY:**

  
City Manager

RESOLUTION NO. -12

**AUTHORIZING THE DESTRUCTION OF THE POLICE DEPARTMENT'S  
BACKGROUND INVESTIGATION FILES ON APPLICANTS WHO WERE NOT HIRED  
AND THE INVESTIGATIONS WERE COMPLETED BETWEEN  
JANUARY 1, 1998 AND MARCH 20, 2010**

**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**, Government Code Section 34090 provides that background investigation files for applicants who are not hired can be destroyed two (2) years after the date of the completed investigation.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Martinez that the background investigation files on applicants who were not hired and the investigations were completed between January 1, 1998, and March 20, 2010, having been managed in accordance with the City of Martinez's records retention schedule shall 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 21<sup>st</sup> day of March, 2012, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ

Approved by: \_\_\_\_\_  
Assistant City Attorney