

STAFF REPORT
COUNCIL MEETING DATE
October 22, 2012

ITEM FOR COUNCIL CONSIDERATION:

Destruction of Certain Obsolete Records in the City Clerk Department

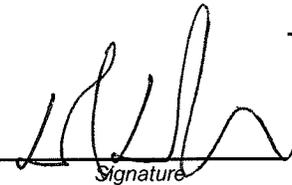
Report prepared by:

Fidela Garcia, City Clerk

Department:

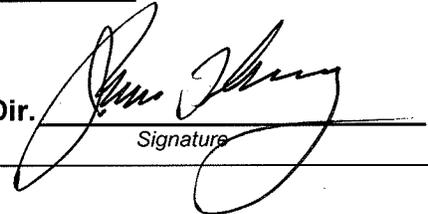
Reviewed by:

City Manager


Signature


Signature

Admin. Services Dir.


Signature

STAFF RECOMMENDATION:

Action Item X ; Non-Action Item ____

Adopt Resolution No. 5415, as read by title only, authorizing the destruction of certain obsolete records in the City Clerk Department as specified in Exhibit A.

I. BACKGROUND:

In a continuing effort to purge files that are no longer needed and in accordance with the City's policy and procedure for the retention and disposition of records and retention schedule, the City Clerk Department wishes to destroy certain obsolete records from the period 1968 through 1994.

II. POLICY:

The records proposed for destruction exceed retention levels required by law and by City Council Resolution No. 4873 adopted April 12, 2004, concerning Rules and Regulations Governing the Policy and Procedure for the Retention and Disposition of Records for the City.

III. FINANCIAL CONSIDERATIONS:

Retention of records beyond the historical and/or legal retention requirements will result in additional storage costs.

IV. LEGAL ISSUES:

The City Attorney has reviewed and approved the list of documents to be destroyed contained in Exhibit A, attached to the resolution.

V. ALTERNATIVES:

Continue to retain the records indefinitely.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING:

None

VII. ATTACHMENTS:

1. Resolution No. 5415
Exhibit A

ATTACHMENT 1
RESOLUTION NO. 5415

RESOLUTION NO. 5415

**A RESOLUTION OF THE CARPINTERIA CITY COUNCIL
AUTHORIZING DESTRUCTION OF CERTAIN RECORDS
IN THE CITY CLERK DEPARTMENT**

WHEREAS, California Government Code Section 34090 permits the destruction of certain records subject to certain conditions; and

WHEREAS, the City Clerk Department has recommended that certain records in their department be destroyed and the City Manager has approved said recommendation; and

WHEREAS, said records have now been retained for periods of time that meet or exceed levels required by law and by City Council Resolution No. 4873 adopted April 12, 2004, concerning Rules and Regulations Governing the Policy and Procedure for the Retention and Disposition of Records for the City; and

WHEREAS, the City Attorney has issued his consent to said recommendation and approval; and

WHEREAS, a list of records to be destroyed is attached hereto as Exhibit "A" consisting of five pages.

NOW, THEREFORE, THE CARPINTERIA CITY COUNCIL HEREBY RESOLVES that those records identified in Exhibit A attached hereto are approved for destruction as recommended.

PASSED, APPROVED AND ADOPTED this 22nd day of October 2012, by the following called vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held this 22nd day of October 2012.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney

Exhibit A to Resolution 5415

**CITY OF CARPINTERIA
REQUEST TO DESTROY OBSOLETE RECORDS**

The City Manager/City Clerk Department requests authority to destroy obsolete records as detailed below.

Note: Unless otherwise noted all records are located at the City's Storage Facility.

Title or subject matter of records	No. of records	Originals/Copies	Years covered by records
Police Department files			
Robert Morgan: claim form, correspondence related to claim	1 file	Copies/Originals	1993
Joseph Cocita: claim form, correspondence and misc. documents related to claim and subsequent law suit filed for police battery; case dismissal and release of claim	1 file	Copies/Originals	6/1989 to 2/1991
John Adler: claim form, correspondence, related misc. documents and photographs, claim rejected	1 file	Copies/Originals	9/1990 to 10/1990
David Perez: claim form and correspondence and misc. documents related to claim, booking photograph, photos of injury; Claim denied and case dismissed based on failure to appear and serve lawsuit timely	1 file	Copies/Originals	5/1991 to 6/1992
Jenny Perry: claim form and Traffic Collision Report, correspondence related to investigation of claim filed , photographs of vehicle damage and complaint for personal injury damage	1 file	Copies/Originals	8/1991 to 6/1992
Ray Williams: correspondence related to investigation of claim filed; case dismissed based on failure to prosecute	1 file	Copies	12/1991
John Anthony O'Brien: claim form, arrest record, photograph, case dismissed based on failure to prosecute	1 file	Copies/Originals	3/1991 to 6/1992
Ed Gonzales: claim form, arrest record, misc. documents and photographs related to investigation of claim for false arrest and battery	1 file	Copies/Originals	11/1988 to 6/1989
John P. Moncure: claim form and related correspondence	1 file	Copies/Originals	5/1988
Adela Montanez, Maria Elena Estrada, and Hector Estrada: claim form, related correspondence, legal documents and misc. documents related to lawsuit and case dismissal	1 file	Copies/Originals	9/1988 to 2/1990

Shaffner v. City of Carpinteria, U.S. District Court Case No. CV-88-3247MRP, Date of Loss 8/6/1987, file contains related correspondence, legal documents, and settlement documents	1 file	Copies/Originals	12/1987 to 11/1990
Frederick Theodore Briscoe (associated cases Shaffner and Gonzales): related correspondence, booking record	1 file	Copies	5/1988 to 6/1989
Jose Jimenez v. City of Carpinteria, et. al. Ventura Superior Court Case No. 117442 Correspondence and legal documents related to lawsuit	1 file	Copies/Originals	11/1987 to 8/1991
Harold Ross: Claim form, related correspondence, claim rejected, statute of limitation expired 11/29/1990	1 file	Copies/Originals	11/1990 to 11/1990
Robert Morgan: Claim form and related correspondence	1 file	Copies/Originals	1993
Baton Training Information File contains copies of certificates for various individuals, correspondence, memos, related information to baton training, course roster	1 file	Copies	12/1980 to 5/1990
Department Training Meetings file contains training outlines, memos and correspondence related to training, training materials and articles, sign in logs for various trainings	1 file	Copies/Originals	1988 to 1992
Police Training File contains training handouts, training program for calendar year, memos related to training dates and classes such as crime investigation, terrorism, etc.	1 file	Copies/Originals	1977 to 1990
Police Crime Reports & Activity Reports File contains activity report, arrest, types of crimes, crimes solved	1 file	Copies/Originals	1973
Police Monthly Reports detailing crimes and police activity	½ bankers box	Copies	1968 to 1992
Arrest files, file contains following reports AR # 1091-156 AR# 0990-134 AR # 0990-153	3 files	Copies	10/24/91 9/25/90 9/27/90
Budget File contains misc. working documents, expenditure print outs, program descriptions, fund balances, public safety revenue, organizational chart, positions list, and 1988 to 1990 Annual Police Reports	1 file	Copies	1988 to 1992
Jeep Purchase File contains correspondence, copy of staff report, various documents related to grant application and award for multi-terrain police patrol vehicle	1 file	Copy	12/1974 to 4/1985

1992-93 Budget Revenue Forecast File contains estimated revenue printouts, budget preparation instructions, program descriptions, memos, program objectives, and revenue summary documents	1 file	Copy	6/1989 to 4/1994
Jail Fees (Booking) File contains various correspondence, memos, misc. working documents, SB booking reports, booking costs calculation for County of Santa Barbara	1 file	Copy/Originals	1989 to 1993
Radio License- Carpinteria Area	1 file	Copy/Originals	Fiscal Yr 86/91 and 91/96
Recap of Contract Project File contains misc. documents related to law enforcement costs	1 file	Copy/Originals	
Ronald Fender vs. Police Department Claim, arrest record, correspondence	1 file	Copy/Originals	8/1990 to 6/1992
Edward Rosala vs. City of Carpinteria File contains correspondence, arrest record, and related legal documents	1 file	Copy/Originals	3/1991 to 3/1993
Shane Williams File contains claim and arrest record and related correspondence	1 file	Copy/Originals	8/1992 to 2/1993
City Attorney Files (Mr. Christiansen)			
Declaration of Covenants, Conditions and Restrictions - Franciscan Condominium Association File contains two redlined copies of CC&Rs	1 file	Copies	10/30/1984
Ryan Injunction 1100.64 File contains various documents related to local sales tax and use, unemployment insurance, legislative information regarding taxation issues e.g. Assembly Bills	1 file	Copy/Original	1968-1977
Ryan Lawsuite to Enjoin – Case No. 102984 File contains City's Demurer, Motion to Strike, and correspondence	1 file	Copies	4/1974 to 11/1974
Carp - McEwen, John W. File contains correspondence, memos, misc. documents and notes, copy of stipulation with request for award relating to injury of neck and knee, staff report regarding disability retirement	1 file	Copies	10/1976 to 5/1977
Carp – Compliance File contains copies of staff reports, correspondence and memos regarding non-compliant structures and issues such as jet ski launching from end of Ash Ave.	1 file	Copies/Original	1981-1984
Waiver of Fees (New Construction) File contains Copy of City Council Staff Report and correspondence	1 file	Copies/Original	12/1980 to 6/1982

Termination of Non-Conforming Use File contains correspondence and staff reports	1 file	Copies	6/1982 to 1/1983
Carp – Planning and Zoning File contains correspondence	1 file	Copies	6/1984 to 10/1984
Rodriguez/Kons/Carpinteria Lawsuit Correspondence, legal documents related to Case No. 138007	1 file	Copies/Originals	9/1981
Housing Authority File contains copy of staff report	1 file	Copies	4/1982 to 7/1984
Building Code Ordinance File contains correspondence, copy of City Council Staff Report on subject of Real Property Inspection Ordinance	1 file	Copies/Originals	12/1976 to 2/1979
Smoking Ordinance File contains copy of staff report	1 file	Copy	1/10/85
City v. Kizer Construction Co. Case No. SB 62076, File contains correspondence and legal documents related to lawsuit	1 file	Copies/Originals	9/1984 to 10/1984
Personnel – Regulations and Rules File contains copy of staff report	1 file	Copy	1/3/1983
Union Oil – Costs & Expenses State of California v. Union Oil Company U.S. District Court No. 69-1068RM, 35CIV LA69-462, File contains correspondence and invoices	1 file	Copy/Originals	5/1973
National's Motion for Partial Summary Judgement – National vs. City of Carpinteria, et.al. SB Superior Case o. 99206	1 file	Copies	1/1979
Carpinteria Archdiocese Property File contains correspondence, draft escrow instructions	1 file	Copies	3/1974 to 5/1974
Revenue Sharing Agreement File contains draft agreement with non-profits such as Hospice of Santa Barbara and Helpline etc., and correspondence	1 file	Copies/Originals	10/1974
IBM v. City of Carpinteria, et. al. Santa Barbara Superior Court Case No. 127143 File contains Summon and Complaint	1 file	Copy	2/1980
Ryan – Interrogatories to National Answers	1 file	Copy	2/1980
City of Carpinteria vs. Roberts Record of Service, Master List	1 file	Original	1/1967 to 3/1968
Health Benefit Report	3 file folders	Originals	7/95 to 6/2000
Planning Commission Agenda Packets	1 bankers box	Copies	11/96 to 3/97
Applicant Data Record Data Collected for state and federal reporting purposes	3" stack	Originals	8/1987 to 12/1980

CITY OF CARPINTERIA
REQUEST TO DESTROY OBSOLETE RECORDS
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I hereby certify that:

- The record(s) are under the management or control of the Department head.
- To the best of his/her knowledge, the descriptive titles, information, and classifications contained in the request form are true and accurate.
- The minimum retention time periods required by City Resolution No. 4873 Retention Schedule) have been satisfied for all records included in the request form.
- Retention of the record is no longer required for operation of the department, or to satisfy a city council policy adopted by resolution, or a city Council request, or by the city for administrative, historical, research, fiscal, legal, or cultural purposes.
- The destruction or other disposition of the record will not violate state law, these Rules, or other applicable law.
- Destruction of the record(s) is hereby recommended.

Date: _____

Job Title: _____

Signature of Department Head or
authorized Designee, requesting destruction
of records

Approved for Destruction:

City Attorney

Date: _____

Approved for destruction at City Council meeting held October 22, 2012.