

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, Interim City Engineer/Public Works Director
Prepared by: Shaun Kroes, Senior Management Analyst 

DATE: February 18, 2011 (CC meeting of 03/02/11)

SUBJECT: Consider Resolution Authorizing the Destruction of Security Camera Routine Video Monitoring Recordings after Minimum Retention Period of One Year Upon Approval of City Clerk

BACKGROUND/DISCUSSION

Government Code Section 34090.6 et. seq, authorizes the head of a city department to destroy recordings of routine video monitoring under his/her charge, without making a copy thereof, after the same is no longer required after the minimum retention period of one year has been met, with the approval of the legislative body by resolution and the written consent of the City Attorney. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.

The City of Moorpark currently has security camera systems at the Metrolink Train Station and Poindexter Park, and Arroyo Vista Recreation Center. The City's cameras at the Metrolink Train Station (Station) were previously exempt from record retention requirements due to an exemption provided for in Government Code Section 34090.8 et. seq. Security camera systems for transit agencies do not have to retain security camera footage for any period of time so long as certain criteria are met, including but not limited to the technical infeasibility of storing the amount of data required. With the integration of Poindexter Park into the Station security camera system, staff was able to retain footage for both Poindexter Park and the Station using external hard drives. The security camera system at the Arroyo Vista Recreation Center is currently not operating due to technical difficulties that prevent the security camera system from maintaining its backup system requirements (i.e., the system will not retain footage for the required amount of time).

The current security camera system for the Poindexter Park records a month's worth of security footage on an external hard drive. Staff exchanges the hard drives monthly.

Currently, there are thirteen months of data stored on thirteen external hard drives. The first hard drive, which contains footage from January 1 through 31, 2010, can now be destroyed. Staff proposes to destroy the footage by using the external hard drive to record a new month's worth of data. New security camera footage will re-record over the previous data. Staff proposes to continue this practice each month, recording over the previous month's data from a year ago.

Rather than submit a request to City Council every month, staff is proposing the attached Resolution, authorizing City staff to record new security camera footage onto hard disks that have security camera footage from a year ago on a continual basis. In order to ensure that security camera footage involved in a claim filed or any pending litigation is not accidentally destroyed, the City Clerk shall approve in writing each destruction of security camera video monitoring over one year old. It is also proposed that the policy established by the attached resolution will be incorporated in the next update to the City Council Policies Resolution (currently Resolution 2010-2959) including a requirement for City Attorney annual review. The attached resolution includes the City Attorney's approval of the City Clerk to regularly consent to destruction of routine video monitoring after the minimum retention period of one year has been met.

FISCAL IMPACT

Staff's intent is to minimize hard disk or other electronic storage device costs by permitting destruction of routine video monitoring surveillance to achieve the minimum statutory retention requirements.

STAFF RECOMMENDATION

Adopt Resolution No. 2011-_____.

Attachment: Draft Resolution.

RESOLUTION NO. 2011 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF SECURITY CAMERA ROUTINE VIDEO MONITORING RECORDINGS EXCEEDING THE REQUIRED RETENTION PERIOD OF ONE YEAR FROM THE DATE OF THE RECORDED FOOTAGE

WHEREAS, Government Code Section 34090.6, et. seq, authorizes the destruction of recordings of routine video monitoring of City buildings that are no longer required after the minimum retention period of one year has been met, with the approval of the legislative body by resolution and the written consent of the City Attorney; and

WHEREAS, routine video monitoring records currently held by the City of Moorpark, which are no longer required and which need not be retained as provided for in the Government Code and State and Federal authorities may be destroyed in accordance with the appropriate provisions if the recordings are not evidence in any claim filed or pending litigation; and

WHEREAS, this resolution is not applicable to routine transit security monitoring electronic file retention for which Public Utilities Code Section 99164 and Government Code Section 34090.8 are applicable.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds that security camera routine video monitoring recordings for any City owned and leased facilities, buildings, and parks may be destroyed after one year from the date of recording, if the recordings are not evidence in any claim filed or any pending litigation.

SECTION 2. The City Council also finds that the City Attorney has given written consent to the destruction of said records, as shown on Exhibit "A".

SECTION 3. The City Council hereby authorizes the City Clerk to approve in writing the destruction of security camera routine video monitoring recordings after one year from the date of recording, after written confirmation that the recording(s) are not evidence in any claim filed or any pending litigation.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 2nd day of March, 2011.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

EXHIBIT "A"
RECORDS DESTRUCTION CONSENT

Citation: California Government (CG) Code 34090.6, et. seq.

| Description | Retention Requirement (Years) | Citation |
|---|--------------------------------------|-----------------|
| Security camera routine video monitoring recordings | Minimum 1 Year | GC 34090.6 |

Consent to destruction subject to City Clerk written approval and confirmation that the recordings are not evidence in any claim filed or any pending litigation:

Joseph Montes
City Attorney