

RESOLUTION NO. 2011-234

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT
TO CONTRACT NO. C-07-188 WITH REDFLEX TRAFFIC SYSTEMS, INC. FOR RED
LIGHT CAMERA OPERATIONS FOR AN ADDITIONAL TWO YEAR PERIOD
INCLUDING THE INSTALLATION OF ONE ADDITIONAL RED LIGHT CAMERA
SYSTEM AND A RELATED RECORDS RETENTION SCHEDULE**

WHEREAS, the City entered into Contract No. C-07-188 with Redflex Traffic Systems, Inc. (Redflex) for red light camera operations in May 2007; and

WHEREAS, for four years Redflex has provided the City with the equipment, applications, and citation processes necessary for sworn officers of the City to monitor, identify, and enforce red light violations; and

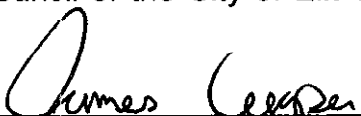
WHEREAS, Redflex has been a supportive service provider to the City of Elk Grove, helping to provide a safer community by reducing the incidence of vehicle collisions at traffic intersections and City streets; and

WHEREAS, the safety of Elk Grove's citizens is the City Council's primary concern; and

WHEREAS, it is in the best interest of the City to continue to receive services from Redflex by extending the Contract for an additional two year term, approving the placement of one additional red light camera system, and approving a records retention schedule.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the First Amendment to Contract No. C-07-188 with Redflex Traffic Systems, Inc., for red light camera operations, extending the Contract for an additional two year term, and approving the placement of one additional red light camera system, and the City Council further approves the related records retention schedule attached as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of December 2011.




JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

EXHIBIT A

City of Elk Grove Police Department Retention Schedule for Records Relating to the Automated Traffic Enforcement System

Redflex Traffic Systems, Inc. ("Redflex"), shall retain and destroy records of the City of Elk Grove Police Department ("City") pursuant to the retention schedule and instructions set forth herein ("Retention Schedule").

A. Definitions

1. **Documents and Records.** For purposes of this Retention Schedule, "documents" and "records" shall have the same meaning as "writing" as defined by California *Evidence Code* section 250 and mean handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.
2. **Final disposition.** For purposes of this Retention Schedule, "Final Disposition" shall mean that an acquittal, dismissal, or order of judgment has been entered in the case or proceeding, the judgment has become final, and no post-judgment motions, re-trials, or appeals are pending in the case or for the reviewing court upon the mailing of notice of the issuance of the remittitur. As used herein, the order of judgment shall mean imposition of sentence, entry of an appealable order, or forfeiture of bail without issuance of a bench warrant or calendaring of other proceedings.
3. **Personal Information.** For purposes of this Retention Schedule, "personal information" shall mean any information personal to an individual, including but not limited to, names, addresses, and license numbers.

B. Schedule and Categories of Records

Category	Record Description	Retention Period	Citation
A.	Photographic records made by an automated enforcement system.	Upon Final Disposition of the citation.	Cal. Veh. Code sections 21455.5(e)(1), 21455.5(e)(3); Cal. Gov. Code sections 68151, 68152
B.	Confidential information obtained from the California Department of Motor Vehicles for the administration or enforcement of Vehicle Code section 21455.5.	Upon Final Disposition of the citation.	Cal. Veh. Code sections 21455.5(e)(2), 21455.5(e)(3); Cal. Gov. Code sections 68151, 68152
C.	All other documents related to the automated enforcement system and the administration or enforcement of Vehicle Code section 21455.5	Two years from the date the information was first obtained.	Cal. Gov. Code section 34090(d)
D.	Records placed on hold status by the Elk Grove Police Department.	Permanent retention until instructed otherwise, in writing, by the Elk Grove Police Department.	

C. Instructions for Destruction of Records

1. **Verification of Final Disposition.** For records in Categories A and B of this Retention Schedule, Redflex shall provide documentation from the Superior Court of California, County of Sacramento, Carol Miller Justice Center, demonstrating the citations have reached Final Disposition as defined above. Should the Redflex system be unable to identify which citations have reached Final Disposition, then the records within Categories A and B shall be retained until such time that the City determines that the citations have reached Final Disposition.
2. **Identification of Records.** On a quarterly basis, Redflex shall provide notice to the City of the list of records identified for destruction pursuant to this Retention Schedule. This notice shall be provided as follows:

City of Elk Grove Police Department
Records Manager
8400 Laguna Palms Way
Elk Grove, CA 95758
Tel. 916-683-7111
Fax 916-627-4100

With a copy to:

City of Elk Grove
Office of the City Attorney
8401 Laguna Palms Way
Elk Grove, CA 95758
Tel. 916-683-7111
Fax 916-627-4100

3. **Notice of Permanent Hold.** Following receipt of the notice described above, in the event the City determines that any or all of the records scheduled for destruction should not be destroyed, then the City will notify Redflex of the documents that are not to be destroyed, at which time Redflex shall place those records on permanent hold until such time that the City notifies Redflex, in writing, that the hold has been released. Redflex shall provide City with an annual report identifying all records remaining on permanent hold.
4. **Authorization and Notice to Proceed.** Before any records shall be destroyed, the City Council of the City of Elk Grove must adopt the Retention Schedule and annually thereafter make a resolution authorizing destruction in accordance with California *Government Code* section 34090. Upon authorization by the City Council, the City shall provide Redflex with a notice to proceed with destruction.
5. **Manner of Destruction.** All records must be destroyed in a manner that shall preserve the confidentiality of any personal information included in the record or document. Within 5 business days following destruction of the records, Redflex shall provide the City with a Certificate of Destruction in the form attached hereto as Exhibit "A."

Exhibit "A"

**City of Elk Grove Police Department Retention Schedule for
Records Relating to the Automated Traffic Enforcement System**

CERTIFICATE OF DESTRUCTION

In accordance with the established City of Elk Grove Police Department Retention Schedule for Records Relating to the Automated Traffic Enforcement System, it is hereby certified that the files listed on the attached have been destroyed by Redflex Traffic Systems, Inc., as approved by the City of Elk Grove.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, 20____, at _____.

By: _____

Redflex Traffic Systems, Inc.

[Attach list of records destroyed]

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-234**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)


I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 14, 2011 by the following vote:

AYES : **COUNCILMEMBERS:** *Cooper, Hume, Davis, Detrick, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*


**Jason Lindgren, City Clerk
City of Elk Grove, California**