

RESOLUTION NO. 2016-024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ESTABLISHING A POLICY FOR THE RETENTION OF AUDIO/VIDEO RECORDS ON TRANSIT VEHICLES AND AUTHORIZING DESTRUCTION OF RECORDS PURSUANT TO THE APPROVED RETENTION SCHEDULE

WHEREAS, the State of California makes funding available through Proposition 1B for transit agencies to implement safety and security measures in their fleets, including the purchase and installation of audio/video surveillance equipment; and

WHEREAS, the City has been allocated \$278,314 of Proposition 1B – Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) funds for the purchase and installation of onboard audio/video surveillance equipment on the City's e-tran buses; and

WHEREAS, pursuant to Government Code Section 34090.8(a)(2), a transit agency is required to purchase and install equipment that is capable of storing recorded images for at least one year, unless the transit agency determines that the technology to store recorded data in an economically and technologically feasible manner for one year is not available; and

WHEREAS, on March 26, 2008, the City Council approved Resolution No. 2008-63 establishing a policy for the retention of records maintained by the Office of the City Clerk; and

WHEREAS, on December 9, 2015, the City Council approved Resolution No. 2015-238 authorizing the heads of City Departments to destroy records in accordance with City Council approved record retention schedules pursuant to Government Code Section 34090.

WHEREAS, the City's Audio/Video Record Retention Policy contained in Exhibit A, identifies a retention period of sixty (60) days for records. However, a recording will be kept longer if it is associated with an incident that involves a criminal, safety, or security investigation, or is needed for evidentiary purposes; and

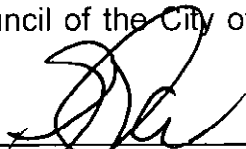
WHEREAS, pursuant to Government Code Section 34090.8(a)(2), given the limited grant funding available and the large amount of digital storage capacity needed to store up to one year of continual audio/video data, a record retention period of one-year is not economically or financially feasible; and

WHEREAS, the existing audio/video surveillance equipment that is installed in the City's fleet, does not support continual audio/video recording storage for greater than 60 days.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Elk Grove establishes the policy for the retention of audio/video records on transit vehicles, and authorizes the destruction of records pursuant to the approved retention schedule contained in Exhibit A; and

BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove authorizes the City Manager, or designee, to make any modifications to the Audio/Video Record Retention Policy, contained in Exhibit A, in order to accommodate for changes in future audio/video surveillance recording technology, while ensuring continued compliance with applicable regulations regarding record retention.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 24th day of February 2016.



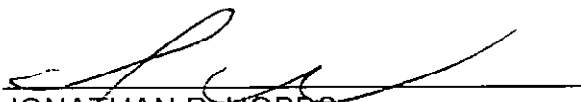
GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY



CITY OF ELK GROVE

AUDIO/VIDEO RECORD RETENTION POLICY ON TRANSIT VEHICLES

This Policy shall apply to the City of Elk Grove's transit vehicles which are equipped with on-board audio/video surveillance and recording equipment.

1. Posted Notice

Signs and/or decals shall be posted on transit vehicles to advise passengers of the presence of the audio and video surveillance and recording equipment.

2. Ownership and Retention

The City of Elk Grove owns the audio/video recording system, the associated equipment installed on the transit vehicles, and the audio/video recordings produced by the equipment.

The audio/video surveillance system shall retain recordings for a period of at least sixty (60) calendar days, except as otherwise provided on the Retention Schedule attached hereto as Exhibit A-1.

For video and audio recordings that are to be kept longer than sixty (60) calendar days, the subject recording shall be pulled from the transit vehicle equipment, logged, labeled and placed in a secure, locked location by the City's Transit Manager, or designee. Thereafter, the records shall be retained and destroyed by the City's Transit Division pursuant to the Retention Schedule (Exhibit A-1).

3. Handling of Audio/Video Clips Involved in Incident Reviews

Audio/video recordings will be provided to law enforcement agencies for law enforcement investigatory or evidentiary purposes upon request through the City of Elk Grove Police Department.

All other requests by the public for audio/video records may be made by submitting a California Public Records Act request to the City Clerk's Office located at 8401 Laguna Palms Way, Elk Grove, CA 95758.

To assist the City in identifying the records sought, requests should include the following information, if known: (1) A description of the requested incident; (2) Date of occurrence; (3) Estimated time of the occurrence; and (4) Route number and vehicle ID number.

The City shall respond to all other requests in accordance with applicable law.

EXHIBIT A-1

Transit Audio/Video Surveillance Recording Retention Schedule			
RECORD SERIES	RETENTION	CITATION	DESCRIPTION
Routine Transit audio/video surveillance	60 calendar days, except as otherwise provided herein.	Gov. Code 34090.8(a)(3)	Audio/video surveillance equipment on transit vehicles capable of storage for 60 days.
Transit audio/video recordings requested through the California Public Records Act, subpoenas, Court Order, deemed necessary by City for longer retention, and/or are disclosed as authorized by the law and are not otherwise provided for herein	CL + One Year	Gov. Code 34090, 34090.8	Records retrieved from recording system and stored separately
Transit audio/video surveillance used as evidence in any claim or litigation, or which is the subject of an Incident Report	CL + One Year	GC34090.8(b)(1)-(2)	(1) Video recordings or other recordings which are evidence in any claim filed or any pending litigation shall be preserved until the claim or the pending litigation is resolved; and (2) Video recordings or other recordings which recorded an event that was or is the subject of an incident report shall be preserved until the incident is resolved.

LEGEND

60 days	= 60 days retention (record destruction occurs on 61 st day following recording)
CL	= Closed/Complete/Resolved

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2016-024**

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

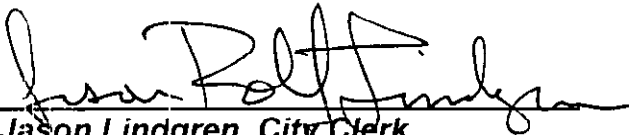
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 24, 2016 by the following vote:

AYES : **COUNCILMEMBERS:** *Ly, Detrick, Hume, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Davis*



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