



RESOLUTION NO. 2026-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND ADOPTING THE POLICE DEPARTMENT RECORDS RETENTION SCHEDULE AND AUTHORIZING THE DESTRUCTION OF RECORDS IN ACCORDANCE WITH THE SCHEDULE

WHEREAS, Government Code section 34090 allows the head of a city department, with the approval of the City Council by resolution and the written consent of the City Attorney, to destroy city records that are no longer required, except records affecting title to real property, court records, records required by statute to be kept, and the minutes, ordinances, and resolutions of the City Council and of City boards and commissions;

WHEREAS, the Police Department has prepared the City of Orland Police Department Records Retention Schedule, attached as Exhibit A (the "Schedule"), which states the minimum period each category of Police Department records must be kept and the legal authority for each period; and

WHEREAS, the City Attorney has reviewed the Schedule and, by signing this Resolution, consents in writing to the destruction of Police Department records in accordance with the Schedule and this Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORLAND RESOLVES AS FOLLOWS:

Section 1. Adoption. The Schedule attached as Exhibit A is adopted. It applies to Police Department records in any medium, and only to Police Department records. It supersedes any prior Police Department records retention schedule or purge policy.

Section 2. Minimum Periods. The periods in the Schedule are minimums. The Chief of Police may keep a record longer, and shall keep it longer when a statute, regulation, grant agreement, or court order requires.

Section 3. Authority to Destroy. The Chief of Police may destroy Police Department records that have been kept for the period stated in the Schedule and are no longer required, without further action by the City Council, except that no record shall be destroyed if it:

- (a) is a record that Government Code section 34090 does not allow to be destroyed;
- (b) is the subject of a pending Public Records Act request, or of a pending process or litigation to determine whether it must be released; or
- (c) relates to a pending or reasonably anticipated claim, lawsuit, administrative proceeding, criminal prosecution, audit, investigation, or subpoena, or is subject to a litigation hold, until the City Attorney confirms in writing that it may be destroyed.

When a statute or court order requires that a record be destroyed within a set time, the Chief of Police shall comply with it.

Section 4. Procedure. Before destroying records, the Chief of Police shall prepare and sign a list identifying them by Schedule category and date range and shall obtain the City Attorney's written approval on the list, which is the consent required by Government Code sections 34090 and 34090.6. The signed list, noting the date and method of destruction, shall be filed with the City Clerk and kept permanently.

Section 5. Duplicates. As Government Code section 34090.7 allows, a duplicate copy of a record may be destroyed when it is no longer needed, without a list, if the City keeps the original or official copy for the period the Schedule requires. This Section does not apply to audio or video recordings.

Section 6. Amendment; Effective Date. The Schedule may be amended by resolution of the City Council with the written consent of the City Attorney. This Resolution takes effect on adoption.

PASSED AND ADOPTED by the City Council of the City of Orland at a regular meeting held on November 3, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

[Name]
Mayor

ATTEST:

Jennifer T. Schmitke
City Clerk

APPROVED AS TO FORM, AND WRITTEN CONSENT GIVEN UNDER GOVERNMENT
CODE SECTIONS 34090 AND 34090.6:

Scott Drexel
City Attorney

EXHIBIT A

CITY OF ORLAND POLICE DEPARTMENT RECORDS RETENTION SCHEDULE

[Attach the Schedule as adopted.]