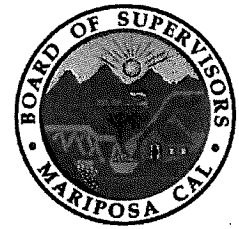




MARIPOSA COUNTY

Clerk of the Board of Supervisors • (209) 966-3222



Policy Book

RESOLUTION - ACTION REQUESTED 2016-9

MEETING: January 5, 2016
TO: The Board of Supervisors
FROM: Rene LaRoche, Clerk of the Board
RE: Clerk of the Board Records Retention Schedule

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution establishing a Records Retention and Management Schedule for the Clerk of the Board's (COB) office.

The COB serves as the official custodian of records for the Board of Supervisors under Government Code § 25104, and as the Clerk and official custodian of records for the Assessment Appeals Board under California Revenue and Taxation Code § 1628. While some of the records that the COB maintains must be kept in perpetuity, California State regulations do provide some allowances for the destruction of documents that have no mandates regarding their retention. Specifically, Government Code (GC) §§ 26201 and 26202 govern the destruction of non-mandated records, while GC § 25105.5 allows for destruction of claims against the county or special districts, as well as records relative to Assessment Appeals applications. (The code sections referenced are attached to this item.) Under GC § 26202, such authorization for record destruction requires a 4/5th vote.

Adoption of a record retention schedule, subject to document hold orders being placed by County Counsel, will allow for the orderly and timely destruction of unnecessary, non-historic records, and is critical due to the limited storage space available for the Clerk of the Board's office.

Every attempt has been made to identify documents currently held, as well as documents not currently held but which may need to be held in the future should they be created because State law places them under the purview of the Clerk of the Board. However, it is recognized that the process of establishing this policy may be ongoing for an indeterminate amount of time as further documents may be identified; in which case, the schedule will be brought back before the Board for amendment.

The attached schedule has been reviewed and approved by County Counsel, the County Administrative Officer, and the Risk Manager. It was also reviewed by the Historic Sites and Records Preservation Commission at their December 7, 2015, meeting and all requested changes have been incorporated with the exception of County Claim forms, as the requested disposition was contrary to legal advice received by Risk Management from California State Association of Counties - Excess Insurance Authority (CSAC-EIA) legal counsel.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has authorized destruction of specified items for various departments in the past, and last authorized the COB on February 5, 2013, to destroy Assessment Appeal applications and records.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board decides not to adopt the resolution, the Clerk of the Board will either need to retain all records indefinitely, or will need to regularly bring agenda items in order to destroy identified records.

FINANCIAL IMPACT:

No Financial Impact is anticipated.

ATTACHMENTS:

Government Code 25105.5 (PDF)

Government Code 26201(PDF)

Government Code 26202(PDF)

Records Retention Resolution (DOC)

COB Records Retention Schedule - Resolution Attachment "A" (PDF)

CAO RECOMMENDATION

Requested Action Recommended


Mary Hodson, CAO 12/29/2015

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier

MARIPOSA COUNTY RESOLUTION NUMBER 16-9

RESOLUTION ESTABLISHING THE RECORDS RETENTION SCHEDULE FOR THE OFFICE OF THE MARIPOSA COUNTY CLERK OF THE BOARD

WHEREAS, California Government Code (GC) §26105.5 provides that the Clerk of the Board may destroy claims against the County and claims against special districts for which the Board of Supervisors is the governing body, whenever the claims have been retained for a period of not less than five years after final action; and

WHEREAS, GC §26105.5 also provides that the Clerk of the Board may destroy any records consisting of assessment appeal applications when five years have elapsed since the final action (as defined by GC §26105.5), and may destroy hard copies of said applications three years after the final action, providing the records have been imaged or otherwise preserved on a medium that provides access to the documents; and

WHEREAS, GC §26201 provides that the Board may destroy duplicate records; and

WHEREAS, GC §26202 provides that the Board of Supervisors may authorize the destruction or disposition of any records, paper, or document that is more than two years old, which was prepared or received in any manner other than pursuant to a State statute or County charter; and

WHEREAS, GC §26202 also provides that the Board of Supervisors may, by a 4/5th vote, authorize the destruction of any record, paper, or document that is more than two years old which was prepared or received pursuant to a State statute, and which is not expressly required by law to be filed and preserved, if the Board determines that the record, paper, or document is no longer necessary or required by County purposes; and


WHEREAS, GC §26202 provides that such records, papers, or documents subject to that section need not be photographed, reproduced, or microfilmed prior to destruction, and that no copy thereof need be retained; and

WHEREAS, the Clerk of the Board has determined that certain records in her possession have no apparent historical significance, and have no further administrative or litigation value and, therefore, is seeking continuing authorization to destroy, pursuant to California Government Code § 26202, those records listed in the schedule attached hereto as Exhibit "A" after the retention periods specified therein.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Mariposa County, a political subdivision of the State of California, hereby finds there is a need for an orderly and controlled plan for the management, retention, and systematic destruction of those records and documents that are not required to be maintained by either State or local regulations, and which are no longer needed or required for County purposes. The Clerk of the Board is hereby granted continuing authorization to destroy those records and documents in the possession of the Clerk of the Board's office pursuant to the schedule attached hereto as Attachment "A."

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, this 5th day of January, 2016 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE


JOHN CARRIER, Chair
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:


RENÉ LaROCHE
Clerk of the Board


STEVEN W. DAHLEM
County Counsel

Clerk of the Board Records Retention and Management Schedule

Applicable to documents dated January 1, 1951, forward

Official records are records that meet any of the following criteria: (1) the records were prepared to disseminate information to the public; (2) the records were prepared to memorialize an official transaction; (3) the records are required by law or regulation; or (4) the records are necessary to the discharge of official duties and were made or retained for the purpose of preserving their informational content. This schedule applies to both paper and electronic records; but, does not apply to preliminary drafts, notes, or memoranda, the retention of which is not necessary for the discharge of official duties. Additionally, disposal of any and all documents may be postponed under authority of the County Counsel.

****In the absence of a statutory retention period, the default period under Government Code section 26202 is two years (for purposes of definition, two years is 24 months.) if the Department wishes to retain records for a period longer than the statutory default or a more specific provision, the rationale for the determination will be listed in the schedule.**

RECORD SERIES NAME	DESCRIPTION	RETENTION PERIOD	AUTHORITY/RATIONALE	DISPOSAL	LOCATION OF ORIGINAL
Agenda Packets - Advisories	Agenda Packets of Advisory Boards, Committees, Commissions, or Special Districts (NOTE: Excludes documents related to the formation, changes of organization or reorganization of the district and hearing files.)	Adoption/Approval + 2 years	Gov. Code §§ 26202, 26205.1, 60201(d); SOS Local Records Management Guidelines developed per GC § 12236	Shred, delete, or discard	Administering Dept.
Agenda - Assessment Appeals Board	Agendas prepared for the Assessment Appeals Board hearings (**Agenda only. Appeal case file documents may be destroyed. See: "Assessment Appeals, Case File Documents.")	Permanent - OFFICIAL RECORDS	Rev. & Tax. Code § 1628; Gov. Code §§ 26202, 26205.1	N/A	COB
Agenda Packets - Legislative	Agenda Packets for meetings of the BOS, Board Committees, and other decision making Boards (excluding the Assessment Appeals Board) and/or Commissions	Permanent - Historical / Archival / Research Value	Gov. Code §§ 26202, 26205.1	N/A	Administering Department
Agreements/Contracts	Any contracts/agreements that were authorized by the BOS either directly, or indirectly (as with those approved pursuant to County Code Chapter 3.08, Resolution 98-130, Resolution 96-295, and change orders.)	Permanent - Maintained as a Board action	Code Civ. Proc. §§ 337, 337.1(a), 337.15; Gov. Code §§ 25104, 26202, 26205.1; Secretary of State Local Records Management Guidelines, developed per Gov. Code § 12236	N/A	COB
Agricultural Preserve Files	Williamson Act, Open Space Easement Agreements	Permanent - Maintained as part of the Board packet - Ongoing / Historical / Archival / Research Value	Secretary of State Local Records Management Guidelines, developed per Gov. Code §§ 12236, 26202, 26205.1	N/A	COB

RECORD SERIES NAME	DESCRIPTION	RETENTION PERIOD	AUTHORITY/RATIONALE	DISPOSAL	LOCATION OF ORIGINAL
Appeal Form - Assessment Appeals	(See: Assessment Appeals, Case File Documents)				
Appeal Form - from Planning Commission, Departmental decision, etc.	Appeal forms received to initiate an appeal to a Planning Commission action and/or a departmental decision	Final action + 2 years	Gov. Code §§ 26202, 26205.1	Shred or delete	COB
Applications - appointed	Applications to serve on Advisory Boards, Committees, Commissions, Special Districts, etc. where the applicant was appointed.	End of Term/Service + 10 years	Gov. Code §§ 26202, 26205.1 These records are to be kept for 10 years in case a termed-out member applies for future terms, or in case prior terms need to be researched.	Shred or delete	COB
Applications - not appointed	Applications to serve on Advisory Boards, Committees, Commissions, or Special Districts where the applicant was not appointed.	Receipt + 2 years	Gov. Code §§ 26202, 26205.1	Shred or delete	COB
Assessment Appeals, Case File Documents	All applications, forms, documents, correspondence, etc., received regarding the Assessment Appeal. (**Excludes Agenda. See: "Agenda - Assessment Appeals Board.")	Final Action + 5 years for all formats; Final Action + 3 years for hard copies if document has been converted to electronic format in compliance with Gov. Code § 25105 guidelines.	Gov. Code §§ 25105.5, 26202, 26205.1	Shred or delete	COB
Bids, BOS - accepted	Successful bids that came before the board.	Permanent - Maintained as part of a board action.	Gov. Code §§ 26202, 26205.1	N/A	COB
Bids, BOS - not accepted	Unsuccessful bids that came before the board.	Award Date + 2 years	GC § 26202.1	Shred or delete	COB
Bids, other	Bids, either successful or not, that did not come to the board (departmental)	Award Date + 2 years	GC § 26202.1	Shred or delete	Department
Bonds or Coupons	County or Special District bonds or coupons	Closed/Completed + 5 years	Gov. Code §§ 26202, 26205.1	Shred or delete	Administering Dept.

RECORD SERIES NAME	DESCRIPTION	RETENTION PERIOD	AUTHORITY/RATIONALE	DISPOSAL	LOCATION OF ORIGINAL
Budget - Final	Printed bound versions of the adopted annual budgets	Permanent - Maintained as a Board action - Ongoing / Historical / Archival / Research Value	Gov. Code §§ 26202, 26205.1	N/A	COB
Budget - Recommended	Recommended Budgets considered during annual budget hearings	Permanent - Maintained as part of the Board packet	Gov. Code §§ 26202, 26205.1	N/A	COB
Claim Forms	Claims against the County, and claims against special districts	Final Action + 5 years (County Counsel and Risk Management determine the final date.)	Gov. Code §§ 25105.5, 26202, 26205.1	Shred or delete	COB
Documents / Records - Departmental, Accounting	Departmental copies of Purchase Orders, Invoices, and accountings	Final Payment + 3 years	Gov. Code §§ 26202, 26205.1	Any method	Department
Documents / Records - Miscellaneous	Miscellaneous invitations, correspondence, documents, etc. not directly concerning a Board item, and/or not required to be kept statutorily	Closed/Completed + 2 years	Gov. Code §§ 26202, 26205.1	Any method	Department
Duplicates, Confidential	Duplicates of any confidential documents, correspondence, etc.	Upon verification that original is available.	Gov. Code §§ 26201, 26205.1(b), 26206.7	Shred or delete	Department
Duplicates, Non Confidential	Duplicates of any documents, correspondence, etc.	Upon verification that original is available.	Gov. Code §§ 26201, 26205.1(b), 26206.7	Any method	Department
Files and Records	Files and records pertaining to dependent special districts and pre-LAFCo special districts (formation, boundary changes, annexations, memberships, etc.)	Permanent - Archival/Research Value	Gov. Code §§ 26202, 26205.1	N/A	COB
Grand Jury, Civil - Reports	Civil Grand Jury Reports	Receipt + 2 years	Gov. Code §§ 26202, 26205.1. (Per Penal Code Section 933(b), the State Archivist maintains all Grand Jury Reports in perpetuity.)	Any method	COB
Land - Development	Subdivisions; Land Development Agreements and related documents	Permanent - Vital / Archival / Historical / Research Value	Secretary of State Local Records Management Guidelines, developed per Gov. Code §§ 12236, 26202, 26205.1	N/A	COB

RECORD SERIES NAME	DESCRIPTION	RETENTION PERIOD	AUTHORITY/RATIONALE	DISPOSAL	LOCATION OF ORIGINAL
Land - Records	Acceptance of Road into County road system, Deeds, Easements, Leases, Relinquishments, Rights of Way, etc.	Permanent - Vital / Archival / Historical / Research Value	Gov. Code §§ 26202, 26205.1	N/A	COB
Logs, Posting	Posting Logs for agendas for advisory boards and commissions	Last date + 2 years	Gov. Code §§ 26202, 26205.1	Any method	COB
Maddy Act Annual Posting	List of all committee/commission/board vacancies that must be posted by December 31st of each year pursuant to Gov. Code § 54972.	December 31st of posting year + 2 years	Gov. Code §§ 26202, 26205.1	Any method	COB
Maps, charts, photographs, models, etc. - NOT regarding a Board item; received in the normal course of business.	Maps, charts, photographs, models, etc. received in the normal course of business, and NOT regarding a Board item.	Closed/Completed + 2 years	Gov. Code §§ 26205.1	Route to History Center	COB
Maps, charts, photographs, models, etc. - received relative to a Board item	Maps, charts, photographs, models, etc. received regarding a Board item.	Permanent - Maintained as part of the Board packet. Archival / Historical / Research Value	Gov. Code §§ 26202, 26205.1	N/A	COB
Minutes / Summaries of Proceedings Packets - Advisory	Minutes and/or Summaries of Proceedings Packets for meetings of Advisory Boards, Committees, Commissions to either the BOS or Special Districts	Permanent - OFFICIAL RECORDS	Gov. Code §§ 25101, 25102, 26202, 26205.1	N/A	COB or Administering Dept.
Minutes / Summaries of Proceedings Packets - Legislative	Minutes and/or Summaries of Proceedings Packets for meetings of the BOS, and other decision making Boards and/or Commissions	Permanent - OFFICIAL RECORDS	Gov. Code §§ 25101, 25102, 26202, 26205.1	N/A	COB or Administering Dept.
Notices, Adjournment	Notices of Adjournment for Advisory Boards	Posting Date + 2 years	Gov. Code §§ 26202, 26205.1	Any method	COB
Notices, Legal - BOS	Legal Notices required to be published and/or posted before the board may consider.	Permanent - Maintained as proof that the legal obligation was met. (Digitized version sufficient.)	Gov. Code §§ 26202, 26205.1	N/A	COB
Notices, Legal - Other Ordinances	Legal Notices for non board items. Ordinances	Publication Date + 2 years	Gov. Code §§ 26202, 26205.1	Any method	COB
		Permanent - OFFICIAL RECORDS	Gov. Code §§ 25101, 25102, 26202, 26205.1	N/A	COB

RECORD SERIES NAME	DESCRIPTION	RETENTION PERIOD	AUTHORITY/RATIONALE	DISPOSAL	LOCATION OF ORIGINAL	
Personnel Records - Departmental Copies	Departmental copies of memos, payroll action forms, etc.	Separation + 2 years	Gov. Code §§ 26202, 26205.1	Shred or delete		Department
Policies - County	Adopted countywide policies	Permanent - Maintained as part of the Board packet	Gov. Code §§ 26202, 26205.1	N/A		COB
Policies - Departmental	COB Departmental policies	Revised or Superseded + 2 years	Gov. Code §§ 26202, 26205.1	Route to History Center		Department
Procedures - Departmental	COB Departmental procedures	Revised or Superseded + 2 years	Gov. Code §§ 26202, 26205.2	Any method		Department
Recordings - Audio or Video, Advisory bodies, Action Summary Minutes	Audio recordings of advisory boards, commissions, and special districts - where Action Summary minutes	Permanent - Historical / Archival / Research Value (Digitized version sufficient.)	Gov. Code §§ 26202, 26205.1	N/A		Administering Dept.
Recordings - Audio or Video, Advisory bodies, Narrative Minutes	Audio recordings of advisory boards, commissions, and special districts - where Narrative minutes are kept	Minutes Approval + 2 years	Gov. Code §§ 26202, 26205.1	N/A		Administering Dept.
Recordings - Audio or Video, Legislative	Audio/Video recordings of BOS, Assessment Appeals Hearings, or other meetings of decision making Boards or Commissions	Permanent - Archival (Digitized version sufficient.)	Gov. Code §§ 26202, 26205.1	N/A		COB
Resignations, Committees, Commissions, etc.	Resignation of an appointed member of an Advisory Board, Committee, Commission, or Special District.	End of Term/Service + 10 years	Gov. Code §§ 26202, 26205.1 Keep for 10 years in case a termed-out member applies for future terms, or in case prior terms need to be researched.	Shred or delete		COB
Resignations, County Officers	Letters of Resignation from County Officers - served on the COB pursuant to GC 1750(d)	Separation + 2 years	Gov. Code §§ 26202, 26205.1	Shred or delete		COB
Resolutions	Adopted Resolutions	Permanent - OFFICIAL RECORDS	Gov. Code §§ 25102.1, 26202, 26205.1	N/A		COB
Subpoenas	Subpoenas	Action Completed + 2 years	Gov. Code §§ 26202, 26205.1, SOS Local Records Management Guidelines, developed per Gov. Code § 12236	Shred or delete		COB