

MARIPOSA COUNTY

Building • (209) 966-3934



RESOLUTION - ACTION REQUESTED 2017-667

MEETING: October 3, 2017

TO: The Board of Supervisors

FROM: Mike Kinslow, Building Director

RE: Building Department Records Retention Schedule

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution establishing a Records Retention and Management Schedule for the Building Department.

Adoption of a record retention schedule for the department, 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 to the Building Department. The adoption of this Records Retention Schedule will allow staff to purge files according to the parameters stated in the schedule.

This item originally came to the Board on May 23, 2017, but was withdrawn pending investigation of citizen concerns regarding the need for schedules regarding historic documents to go before the Historic Sites and Records Preservation Commission (HSRPC.)

However, this department's retention schedule has no clause regarding historic documents (defined at the December 7, 2015, HSRPC meeting as being those documents created prior to January 1, 1951) and did not go before the HSRPC because the Building Department was not created until 1977, well after the HSRPC's 1951 baseline date.

The attached schedule has been reviewed and approved by the Risk Manager, County Counsel, and the County Administrative Officer.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

May 23, 2017, this item was withdrawn pending further investigation of citizen concerns regarding potential historic documents.

The Board has authorized destruction of specified items for various departments in the past. Additionally, it approved a comprehensive records retention schedule for the Clerk of the Board's Office on January 5, 2016, one for the Human Resources/Risk Management Department on March 1, 2016, and one for the Community Services Department on April 5, 2016.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

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

FINANCIAL IMPACT:

No Financial Impact is anticipated.

ATTACHMENTS:

Building Department Records Retention Resolution (DOC)

Building Department Records Retention Schedule - Resolution Attachment A (PDF)

CAO RECOMMENDATION

Requested Action Recommended


Dallin Kimble, County Administrative Officer 5/17/2017

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

MARIPOSA COUNTY RESOLUTION NUMBER 17-667

**RESOLUTION ESTABLISHING THE RECORDS RETENTION SCHEDULE FOR THE
MARIPOSA COUNTY BUILDING DEPARTMENT**

WHEREAS, California Government Code (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 those 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 Building Department Director has determined that none of the records in his possession have an apparent historical significance given that the department has only been in existence since 1977 and that, further, they have no 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 Building Department Director is hereby granted continuing authorization to destroy those records and documents in the possession of the Building Department, subject to hold requests from the County Council, 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 3rd day of October, 2017, by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE


ABSENT: NONE

ABSTAINED: NONE


MARSHALL LONG, Chair
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:


RENE LaROCHE
Clerk of the Board


STEVEN W. DAHLEM
County Counsel

ATTACHMENT "A"

**Building Department
Records Retention and Management Schedule**

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
Appeals Board Member information	Personal and contact information for Building Appeals Board members	Separation + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Appeals documentation	Appeals to Building Appeals Board and Board of Supervisors	Electronic Format: Permanent - OFFICIAL RECORD. Hard copies: Certificate Date + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Approvals & Comments to other departments	TOT approvals, Responses to Request for Comments, etc.	Electronic Format: Permanent - OFFICIAL RECORD. Hard copies: Approval Date + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Bills/Expenses	Monthly routine departmental bills, payments to state (quarterly), shared bills with other departments	End of fiscal year + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Budget preparation information	Yearly budget, mid year budget backup information for both	End of fiscal year + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Code Books	California Building Codes	One copy: Permanent - Archival/Research Value	N/A	N/A	Building Dept
Code Enforcement Files/Cases	Complaints, investigation inspection reports, correspondence, resolution	Electronic Format: Permanent - OFFICIAL RECORD. Hard copies: Certificate Date + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept

RECORD SERIES NAME	DESCRIPTION	RETENTION PERIOD	AUTHORITY/RATIONALE	DISPOSAL	LOCATION OF ORIGINAL
Construction Documents - Commercial	Plans, applications, reports, site plans, any additional required paperwork etc.	Electronic Format: Permanent - OFFICIAL RECORD. Hard copies: Certificate Date + 2 years.	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Construction Documents - Residential	Plans, applications, reports, site plans, any additional required paperwork etc.	Hard copies: Certificate Date + 2 years. Plans: Certificate + 90 days	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Contracts / Agreements	Professional Services Agreements (yearly), Yearly Maintenance for Software	Expiration of agreement + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Copies or duplicates of documents	Duplicates of any documents, correspondence, etc.	Upon verification that original is available.	Gov. Code §§ 26201, 26205.1(b), 26206.7	Shred or delete	Building Dept
Correspondence	Routine postal and email correspondence received by or sent by Bldg. Department in the normal course of business.	If regarding a project, end of project + 2 years; otherwise 2 years.	Gov. Code § 26202	Shred or delete	Building Dept
Daily Logs/Mileage	Daily log of inspections w/ status, mileage logs	2 years	Gov. Code §§ 26202, 26205.1	Shred or delete	Building Dept
Department Meeting Notes	Staff meetings, Appeals Board hearings, Interoffice meetings	Close of Appeal + 2 years	Gov. Code §§ 26202, 26205.1	Shred or delete	Building Dept
Deposit slips/Cash Statements	Deposits made, monthly cash statements, refunds	End of fiscal year + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Employee Files	Pay certs, yearly evaluations, accommodations, Payroll Actions, Statement of Economic Interest (Form 700), Continuing Education Certificates, etc.	Separation + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Invoices	Invoices to other departments, invoices for books and services	2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Liens & Releases & Recordings	Notice of Non Conforming Structure and Release of same recorded with the Assessor, Record 433A	Electronic Format: Permanent - OFFICIAL RECORD. Hard copies: Release Date + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Membership cards and other documentation	County and department personnel memberships	Membership expiration + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept

RECORD SERIES NAME	DESCRIPTION	RETENTION PERIOD	AUTHORITY/RATIONALE	DISPOSAL	LOCATION OF ORIGINAL
Memos	Memos to Board of Supervisors, other Departments, other Agencies (County, State, Federal)	If regarding a project, end of project + 2 years; otherwise 2 years.	Gov. Code §§ 26202, 26205.1	Shred or delete	Building Dept
Policies - Departmental	Building Department policies	Revised or Superseded + 2 years	Gov. Code §§ 26202, 26205.1	Shred or delete	Building Dept
Procedures - Departmental	Building Department procedures	Revised or Superseded + 2 years	Gov. Code §§ 26202, 26205.1	Shred or delete	Building Dept
Purchasing records	Purchase of fixed assets for department	Asset disposal + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Reports	Reports to Board, State. Monthly, quarterly, yearly	If regarding a project, end of project + 2 years; otherwise 2 years.	Gov. Code §§ 26202, 26205.1	Shred or delete	Building Dept
Requests for Information	History of a parcel, previous permits,	2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept
Training/Travel expense documentation	Classes, seminars, training for CEUs and associated travel expenses	End of fiscal year + 2 years	Gov. Code § 26202, 26205.1	Shred or delete	Building Dept