

MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2015-155

MEETING: April 7, 2015

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Adopt a Resolution Regarding the Time Limit for Archiving Planning Advisory Tapes

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Establishing a Time Limit for Archiving Planning Advisory Committee Meeting Audio and to Allow Destruction of Specific Audio Records.

This item is a request for clarification and direction regarding the time limit for archiving Planning Advisory Committee (PAC) audio that is being stored by the Planning Department. This item also includes audio for groups named Planning Advisory Councils, Commissions, Task Forces, Appeals Boards, Technical Advisory Committees and Citizens Advisory Committees which are staffed by the Planning Department. This item does NOT include Planning Commission audio.

The Planning Department is in the process of completing a Draft Storage Retention and Destruction/Disposition Policy to bring to the Board of Supervisors at a later date for review, however there is an immediate need to clear space in the Government Center Vault. The Vault is used by multiple County Departments.

The Planning Department is housing thousands of hours of audio that have been retained pursuant to County Code Section 2.50.100.4.a (see underlined text below).

2.50.100 Planning Advisory Committees established

4. a. At its first meeting, and its first meeting of each subsequent year, the committee shall determine whether it wishes to appoint a secretary to prepare minutes of the meetings in a manner consistent with the requirements of the bylaws for planning advisory committees. The planning director or designee shall be responsible for recording the meeting and the archival storage of the meeting tapes.

County Code does not indicate how long meeting tapes (audio) must be kept.

Staff currently stores reel to reel tapes and cassette tapes for meetings conducted since the mid-1970s for some of the following PACs:

- Agricultural Advisory Committee
- Catheys Valley PAC
- Coulterville PAC
- El Portal PAC
- Environmental Review Technical Advisory Committee (ERTAC)
- Fish Camp PAC
- Greeley Hill PAC
- Historic Sites and Records Preservation Commission
- Mariposa PAC
- Mariposa Job Creation Task Force
- Midpines PAC
- Surface Mining TAC
- Wawona PAC
- Wawona Appeals Board
- Yosemite West PAC

Currently, audio for most PAC meetings is stored digitally.

Some of the older audio (pre-digital storage) have been destroyed because of water damage and some have deteriorated over the years due to age. A recent request (within the past 2 years) was made for copies of Surface Mining TAC tapes (reel to reel). The tapes were taken to an outside source for duplication, but were inaudible. In the fall of 2014, a request was made for Yosemite West PAC meetings tapes from 1998-2005. Of the tapes that were located, some were inaudible. The Planning Department provided what was available in minutes and agendas for the meetings requested.

Although Planning Advisory Committees do not set policy, they have an important advisory role in the planning process. If a PAC agenda item is project specific and includes a recommendation to the Planning Director, Planning Commission or Board of Supervisors, the written minutes for that meeting, along with any staff reports, are retained in the project file.

The Planning Department will permanently retain written minutes and agendas for Planning Advisory Committees meetings, which serve as the official record of a meeting. Staff notes that the detail provided in the written minutes varies from committee to committee (depending on who prepares the minutes).

It is noted that some Planning Advisory Committees meet regularly, some meet as needed and some are no longer active (there is no business to conduct or the Committees were formed for a limited purpose and have completed their work).

Staff requests the Board of Supervisors approve a policy to allow the Planning Department to discard any Planning Advisory Committee audio that is more than five (5) years old. Pursuant to California Government Code, Section 26202, the Board of Supervisors needs to make a finding that the audio "is no longer necessary or required for county purposes".

BACKGROUND AND HISTORY OF BOARD ACTIONS:

California Government Code, Section 26202, addresses this request:

26202. The board may authorize the destruction or disposition of any record, paper, or document which is more than two years old and which was prepared or received in any manner other than pursuant to a state statute or county charter. The board may authorize the destruction or disposition of any record, paper or document which is more than two years old, which was prepared or received pursuant to state statute or county charter, and which is not expressly required by law to be filed and preserved if the board determines by four-fifths (4/5) vote that the retention of any such record, paper or document is no longer necessary or required for county purposes. Such records, papers or documents need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternative 1:

Do not approve disposal of any Planning Advisory Committee meeting audio; audio will be retained permanently. Alternative storage space for the audio may need to be identified (currently, all audio on reel to reel and cassette tapes retained by the Planning Department are located in the Government Center Vault).

Alternative 2:

Approve disposal of Planning Advisory Committee Audio, but for a different time frame (as short as 2 years old, or a longer time frame than the proposed 5 years).

Alternative 3:

Pursue digitizing older audio. There are approximately 27 banker boxes, each having approximately 200 tapes which equates to approximately 8,100 hours of tapes. The tapes are from the Planning Commission (from 1970 to current) and from various Planning Advisory Committees (from the mid-1970s to current) on file in the Vault. James Hobbs of Mountain Top Media estimates it would take one person over a year, working on multiple recording devices to digitize this amount of audio.

ATTACHMENTS:

Draft Resolution for Audio Files Destruction (DOC)

CAO RECOMMENDATION

Requested Action Recommended

Mary Hodson

Mary Hodson, CAO

3/31/2015

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier

RESOLUTION NO. 15-155

A RESOLUTION TO PERMIT THE CONTINUOUS DISPOSAL and/or DESTRUCTION OF SPECIFIC AUDIO RECORDS OF PLANNING ADVISORY COMMITTEE MEETINGS

WHEREAS, Mariposa County Administration and Department Heads who have items stored in the Mariposa County Government Center Vault (the Vault) conducted a meeting on the 18th day of February 2015 to discuss the condition of the Vault, including the lack of storage space; and

WHEREAS, it was recognized that more items are currently being stored in the Vault than originally anticipated; and

WHEREAS, it is important that there be safe access to files and records stored in the Vault; and

WHEREAS, Department Heads agreed that if they did not already have an adopted Storage Retention and Destruction/Disposition Plan, that they would develop a plan; and

WHEREAS, the Planning Department has significant amounts of files and records stored in the Vault; and

WHEREAS, the Planning Department does not have an adopted Storage Retention and Destruction/Disposition Plan and is currently developing a plan; and

WHEREAS, implementation of an orderly and periodic schedule of destruction of certain records currently in the custody of the Planning Department will free storage space in the Vault; and

WHEREAS, Planning Advisory Committees in Mariposa County serve in an advisory capacity to the staff, the Planning Commission and the Board of Supervisors; and

WHEREAS, Planning Advisory Committees meetings are documented in Agendas and Minutes; and

WHEREAS, to facilitate the immediate removal of some items in the Vault, the Planning Department has identified a number of banker boxes of audio recordings of Planning Advisory Committee meetings that are not required to be kept permanently. Some of the recordings date back to the 1970s. The County no longer has equipment to listen to some of the audio, and some audio is no longer audible; and

WHEREAS, the banker boxes of audio recordings contain thousands of hours of audio of Planning Advisory Committee meetings. The audio has been retained pursuant to County Code Section 2.50.100.4.a (see underlined text below). The County Code does not indicate how long these records must be kept:

2.50.100 Planning Advisory Committees established

4.a. At its first meeting, and its first meeting of each subsequent year, the committee shall determine whether it wishes to appoint a secretary to prepare minutes of the meetings in a manner consistent with the requirements of the bylaws for

planning advisory committees. The planning director or designee shall be responsible for recording the meeting and the archival storage of the meeting tapes; and

WHEREAS, California Government Code Section 26202 provides that the Board of Supervisors may authorize the destruction or disposition of any record, paper, or document which 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, California Government Code Section 26202 also provides that the Board of Supervisors may, by a 4/5 vote, authorize the destruction of any record, paper, or document which 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 for County purposes; and

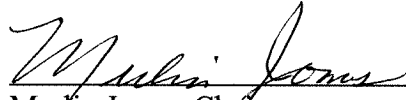
WHEREAS, California Government Code Section 26202 provides that such records, papers or document subject to that section need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the County of Mariposa hereby approves the continuous destruction of audio of Mariposa County Planning Advisory Committee meetings which are maintained by the Planning Department and which are older than five (5) years.

THEREFORE, BE IT FURTHER RESOLVED, this action by the Board of Supervisors is based on California Government Code Section 26202, based on information contained in the staff memo to the Board of Supervisors for this item, and based on a finding that the audio records of Planning Advisory Committee meetings which are older than five (5) years are no longer necessary or required for County purposes.


PASSED AND ADOPTED this 7TH day of April 2015, by the following vote:

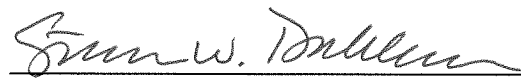
AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER
NOES: NONE
ABSENT: NONE


Merlin Jones, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:


Rene LaRoche
Clerk of the Board


Steven W. Dahlem
County Counsel