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This item originally came to the Board on May 23, 2017, but was withdrawn pending investigation of citizen concerns regarding the need for schedules regarding historic documents to go before the Historic Sites and Records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May 23, 2017, this item was withdrawn pending further investigation of citizen concerns regarding potential historic documents.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
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 4/5ths 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 Counsel, 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

[Signature]
MARSHALL LONG, Chair
Mariposa County Board of Supervisors

ATTEST:

[Signature]
RENE LA ROCHE
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
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.**

<table>
<thead>
<tr>
<th>RECORD SERIES NAME</th>
<th>DESCRIPTION</th>
<th>RETENTION PERIOD</th>
<th>AUTHORITY/RATIONALE</th>
<th>DISPOSAL</th>
<th>LOCATION OF ORIGINAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals Board Member information</td>
<td>Personal and contact information for Building Appeals Board members</td>
<td>Separation + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Appeals documentation</td>
<td>Appeals to Building Appeals Board and Board of Supervisors</td>
<td>Electronic Format: Permanent - OFFICIAL RECORD. Hard copies: Certificate Date + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Approvals &amp; Comments to other departments</td>
<td>TOT approvals, Responses to Request for Comments, etc.</td>
<td>Electronic Format: Permanent - OFFICIAL RECORD. Hard copies: Approval Date + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Bills/Expenses</td>
<td>Monthly routine departmental bills, payments to state (quarterly), shared bills with other departments</td>
<td>End of fiscal year + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Budget preparation information</td>
<td>Yearly budget, mid year budget backup information for both</td>
<td>End of fiscal year + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Code Books</td>
<td>California Building Codes</td>
<td>One copy: Permanent - Archival/Research Value</td>
<td>N/A</td>
<td>N/A</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Code Enforcement Files/Cases</td>
<td>Complaints, investigation inspection reports, correspondence, resolution</td>
<td>Electronic Format: Permanent - OFFICIAL RECORD. Hard copies: Certificate Date + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
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<tr>
<td>Construction Documents - Commercial</td>
<td>Plans, applications, reports, site plans, any additional required paperwork etc.</td>
<td>Electronic Format: Permanent - OFFICIAL RECORD. Hard copies: Certificate Date + 2 years.</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Construction Documents - Residential</td>
<td>Plans, applications, reports, site plans, any additional required paperwork etc.</td>
<td>Hard copies: Certificate Date + 2 years. Plans: Certificate + 90 days</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Contracts / Agreements</td>
<td>Professional Services Agreements (yearly), Yearly Maintenance for Software</td>
<td>Expiration of agreement + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Copies or duplicates of documents</td>
<td>Duplicates of any documents, correspondence, etc.</td>
<td>Upon verification that original is available.</td>
<td>Gov. Code §§ 26201, 26205.1(b), 26206.7</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Correspondence</td>
<td>Routine postal and email correspondence received by or sent by Bldg. Department in the normal course of business.</td>
<td>If regarding a project, end of project + 2 years; otherwise 2 years.</td>
<td>Gov. Code § 26202</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Daily Logs/Mileage</td>
<td>Daily log of inspections w/ status, mileage logs</td>
<td>2 years</td>
<td>Gov. Code §§ 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Department Meeting Notes</td>
<td>Staff meetings, Appeals Board hearings, Interoffice meetings</td>
<td>Close of Appeal + 2 years</td>
<td>Gov. Code §§ 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Deposit slips/Cash Statements</td>
<td>Deposits made, monthly cash statements, refunds</td>
<td>End of fiscal year + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Employee Files</td>
<td>Pay certs, yearly evaluations, accommodations, Payroll Actions, Statement of Economic Interest (Form 700), Continuing Education Certificates, etc.</td>
<td>Separation + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Invoices</td>
<td>Invoices to other departments, invoices for books and services</td>
<td>2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Liens &amp; Releases &amp; Recordings</td>
<td>Notice of Non Conforming Structure and Release of same recorded with the Assessor, Record 433A</td>
<td>Electronic Format: Permanent - OFFICIAL RECORD. Hard copies: Release Date + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Membership cards and other documentation</td>
<td>County and department personnel memberships</td>
<td>Membership expiration + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
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<td>DESCRIPTION</td>
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<tr>
<td>Memos</td>
<td>Memos to Board of Supervisors, other Departments, other Agencies (County, State, Federal)</td>
<td>If regarding a project, end of project + 2 years; otherwise 2 years.</td>
<td>Gov. Code §§ 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Policies - Departmental</td>
<td>Building Department policies</td>
<td>Revised or Superseded + 2 years</td>
<td>Gov. Code §§ 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Procedures - Departmental</td>
<td>Building Department procedures</td>
<td>Revised or Superseded + 2 years</td>
<td>Gov. Code §§ 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Purchasing records</td>
<td>Purchase of fixed assets for department</td>
<td>Asset disposal + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Reports</td>
<td>Reports to Board, State. Monthly, quarterly, yearly</td>
<td>If regarding a project, end of project + 2 years; otherwise 2 years.</td>
<td>Gov. Code §§ 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Requests for Information</td>
<td>History of a parcel, previous permits,</td>
<td>2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
</tr>
<tr>
<td>Training/Travel expense documentation</td>
<td>Classes, seminars, training for CEUs and associated travel expenses</td>
<td>End of fiscal year + 2 years</td>
<td>Gov. Code § 26202, 26205.1</td>
<td>Shred or delete</td>
<td>Building Dept</td>
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