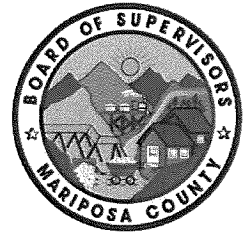


MARIPOSA COUNTY

Agricultural Commissioner · (209) 966-2075



RESOLUTION - ACTION REQUESTED 2021-497

MEETING: August 24, 2021
TO: The Board of Supervisors
FROM: Monica Nielsen, Agricultural Commissioner
RE: Ag Commissioner Records Retention Schedule

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution establishing a Records Retention and Management Schedule for the Agricultural Commissioner's office.

The Agricultural Commissioner/Sealer provides regulatory services through numerous programs that are coordinated with the United States Department of Agriculture (USDA), California Department of Food and Agriculture (CDFA), and the California Department of Pesticide Regulation (CDPR), a division of the California Environmental Protection Agency (Cal-EPA). Each County Agricultural Commissioner and County Sealer of Weights and Measures is licensed by CDFA. While the CDFA record retention period may be longer than California Government Code (GC) sections 26201 and 26202, the authority for record destruction still falls under GC § 26202 which 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 Agricultural Commissioner'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 or Federal law places them under the purview of the Agricultural Commissioner. 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.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has authorized destruction of specified items for various departments in the past. Additionally, it approved comprehensive records retention schedules for the Clerk of the Board's Office on January 5, 2016, for the Human Resources/Risk Management Department on March 1, 2016, for the Community Services Department on April 5, 2016, and for the Building Department on October 3, 2017.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board decides not to adopt the resolution, the Agricultural Commissioner 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 26201(PDF)

Government Code 26202(PDF)

CDFA Records Retention Guidance (PDF)

DPR Records Retention Guidance (PDF)

Ag Records Retention Resolution (PDF)

Exhibit A- Ag Dept Record Retention Schedule (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

MARIPOSA COUNTY RESOLUTION NUMBER 21-497

**RESOLUTION ESTABLISHING THE RECORDS RETENTION SCHEDULE FOR THE
MARIPOSA AGRICULTURE COMMISSIONER'S DEPARTMENT**

WHEREAS the California Department of Food and Agriculture and California Department of Pest Regulation guidance suggests that program records should be held for a minimum of five (5) years; and

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

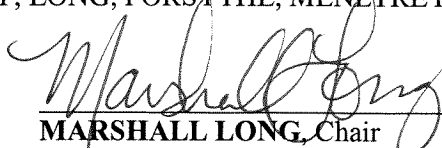
WHEREAS GC § 26202 provides that those records, papers, or documents subject to that section need not be photographed, reproduced, or microfilmed prior to destruction, and that no copy thereof need be retained; and

WHEREAS the Agricultural Commissioner 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 Agricultural Commissioner is hereby granted continuing authorization to destroy those records and documents in the possession of the Agricultural Commissioner's Department, subject to hold requests from the County Counsel, pursuant to the schedule attached hereto as Attachment "A."

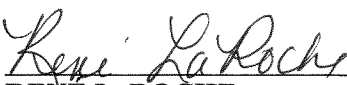
PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, this 24th day of August, 2021, by the following vote:

AYES:	SMALLCOMBE, SWEENEY, LONG, FORSYTHE, MENETREY
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE



MARSHALL LONG, Chair
Mariposa County Board of Supervisors

ATTEST:



RENÉ LaROCHE
Clerk of the Board

APPROVED AS TO FORM:



STEVEN W. DAHLEM
County Counsel

Department of Agriculture & Weights and Measures Records Retention and Management Schedule

***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.*

Records Series Name	Description	Retention Period	Authority	Disposal	Location of Original
Pest Detection Records	All records pertaining to the Pest Detection program including but not limited to the following: trapping cards, treatment, and blue tag notices.	End of Fiscal Year from date received + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
Pest Eradication Records	All records pertaining to the Pest Exclusion program including but not limited to the following: logs, and agreements for eradication.	End of Fiscal Year from date received + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
Pest Management Records	All records pertaining to the Pest Management program including but not limited to the following: records for weeds, APHIS Wildlife, and vertebrate control. Yellow Star Thistle program and vertebrate bait program.	End of Fiscal Year from date received + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
Pest Exclusion Records	All records pertaining to the Pest Exclusion program including but not limited to the following: 008 Hold Notice, intrastate certificates, pest damage reports, stop order sales, Phytosanitary Certificates, and registration notices.	End of Fiscal Year from date received + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
Seed Program Records	All records pertaining to the Seed program including but not limited to the following: hold notices, inspection reports, and permits.	End of Fiscal Year from date received + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
Nursery Program Records	All records pertaining to the Nursery program including but not limited to the following: inspections reports, non-compliance reports, fee-exempt applications, inspection records, and interstate certifications.	End of Fiscal Year from date received + 5 years or Violations/ Non-Compliance Closed/Completed + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
Industrial Hemp Records	All records pertaining to the Industrial Hemp program including but not limited to the following: registrations, inspections, and hold notice.	End of Fiscal Year from date received + 5 years or Violations/ Non-Compliance Closed/Completed + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
Fruits and Vegetable Records	All records pertaining to the Fruits and Vegetable program including but not limited to the following: clearance certification, inspection reports, disposal order permits, and non-compliance.	End of Fiscal Year from date received + 5 years or Violations/ Non-Compliance Closed/Completed + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.

Records Series Name	Description	Retention Period	Authority	Disposal	Location of Original
Certified Farmers Market Records	All records pertaining to the Certified Farmers Market program including but not limited to the following: inspections, certificates, non-compliance notice, and hold notices.	End of Fiscal Year from date received + 5 years or Violations/ Non-Compliance Closed/Completed + 5 years	C DFA	Shred	Department of Agriculture & Weights and Measures.
Organic Program Records	All records pertaining to the Organic program including but not limited to the following: Organic producers lists, inspections, investigations, random samples, chain of custody, and sample summary report.	10 Years	US 7CFR C1 205.103	Shred	Department of Agriculture & Weights and Measures.
Egg Quality Control Records	All records pertaining to the Egg Quality Control program including but not limited to the following: egg handlers lists, notice of non-compliance, hold notices, and investigation reports.	End of Fiscal Year from date received + 5 years or Violations/ Non-Compliance Closed/Completed + 5 years	C DFA	Shred	Department of Agriculture & Weights and Measures.
Apiary Inspection Records	All records pertaining to the Apiary program including but not limited to the following: 008, annual registrations, swarm removal lists, and non-compliance notices.	End of Fiscal Year from date received + 5 years or Violations/ Non-Compliance Closed/Completed + 5 years	C DFA	Shred	Department of Agriculture & Weights and Measures.
Pesticide Use Enforcement Records	All records pertaining to the Pesticide Use Enforcement program including but not limited to the following: Operator Ids, Restricted Materials Permits, Notice of Intents, annual registrations for Pest Control Business, Structural Pest Control, Pest Control Advisors, Farm Labor Contractors, monthly use reports, inspections, and investigations.	End of Fiscal Year from date received + 5 years or Violations/ Non-Compliance Closed/Completed + 5 years	C DPR	Shred	Department of Agriculture & Weights and Measures.
Weights and Measures Records	All records pertaining to the Weights and Measures programs including but not limited to the following: weighmaster inspections, petroleum labeling inspections, annual testing of retail meters, annual testing of weighing and measuring devices, inspections of service agents and in service reports, and investigation reports.	End of Fiscal Year from date received + 5 years or Violations/ Non-Compliance Closed/Completed + 5 years	C DFA	Shred	Department of Agriculture & Weights and Measures.
Investigations, Inspections, Non-compliance, Violations Notices, Notice of Proposed Action	Any investigation, inspection, non-compliance, violation notices, Noticed of Proposed Action for Pesticide Use Enforcement, Weights and Measures, Seed Program, Nursery Program, Industrial Hemp, Fruits and Vegetables Program, Certified Farmers Market Program, Egg Quality Program, and Apiary Program.	Closed/Completed +5 years	C DFA C DPR	Shred	Department of Agriculture & Weights and Measures.

Records Series Name	Description	Retention Period	Authority	Disposal	Location of Original
Standards Certificates Records	Certification of Mariposa County weights and measures standards certified by CDFA, Division of Measurements Standards, Metrology Laboratory.	Permanent	N/A	N/A	Department of Agriculture & Weights and Measures.
Crop Reports	Annual Crop Reports published.	Permanent	N/A	N/A	Department of Agriculture & Weights and Measures.
Crop Report Surveys	All records utilized for the completion of the Crop Reports.	Once Annual Crop Report has been Published	Gov Code §6254(e)	Shred	Department of Agriculture & Weights and Measures.
Emergency Declaration	Emergency Declarations issued by the Agricultural Commissioner/Sealer.	10 years		Shred	Department of Agriculture & Weights and Measures.
Annual Final Statement	All documents pertaining to the Annual Final Statement including but not limited to the labor worksheets, CDFA form DFA FS64A, MOE, Explanations.	End of Fiscal Year from date received + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
State Contract Invoices	All documents pertaining to state agreements with CDFA including invoices and reports.	End of Fiscal Year from date received + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
State Agreements/Resolutions	All agreements with CDFA and the corresponding resolutions.	Permanent	N/A	N/A	Clerk of the Board
Daily Activity Sheets	Employee daily weekly reporting sheets used to compile monthly, quarterly and annual reports.	End of Fiscal Year from date received + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
Monthly/Quarterly Reports	Printed copies monthly and quarterly reports for CDFA programs.	End of Fiscal Year from date received + 5 years	CDFA	Shred	Department of Agriculture & Weights and Measures.
Documents/Records-Departmental Accounting	Departmental copies of purchase orders, invoices, cash statements, and receipt books.	Final Payment + 3years	Gov Code §26202, 26205.1	Shred	Department of Agriculture & Weights and Measures.
Documents/Records-Miscellaneous	Miscellaneous correspondence, documents, not required to be kept statutorily.	Closed/ Completed +2 Years	Gov Code §26202, 26205.1	Shred	Department of Agriculture & Weights and Measures.
Personnel Records-Departmental Copies	Departmental copies of memos, payroll action forms, etc.	Separation +2 Years	Gov Code §26202, 26205.1	Shred	Department of Agriculture & Weights and Measures.
Duplicate, Non-Confidential, Outdated Material	Duplicates of any non confidential documents, correspondence, reproduction of articles and regulations.	Once verified as a duplicate or verified outdated	N/A	Any Method	Department of Agriculture & Weights and Measures.