

RESOLUTION NO. 23-161

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS OF THE MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

WHEREAS, 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 and which was prepared or received in any manner other than pursuant to a state statute or county charter, and further 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 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 are not required to be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained; and

WHEREAS Mendocino County Board of Supervisors Resolution Number 09-202 established a records retention schedule for County of Mendocino's General Services Agency, which schedule provides guidance for retention of certain similar records of the Department of Planning and Building Services (the "Department"); and

WHEREAS, the Department has identified in Exhibit A records that are recommended for destruction, in accordance with the provisions of the above-referenced resolution and statute; and

WHEREAS, Government Code Section 26205 allows the Board of Supervisors, at the request of a County officer, to authorize the destruction of any record, paper or document that is not expressly required by law to be filed and preserved if (a) the record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, or reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document and is produced in compliance with Government Code Section 12168.7 for recording of permanent records or nonpermanent records, (b) the device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one that accurately reproduces the original thereof in all details and which does not permit additions, deletions, or changes to the original document images, and (c) the photographs, microphotographs, electronically recorded video images on magnetic surfaces, records in the electronic data processing system, records recorded on optical disk, or other reproductions on film or any other medium are placed in conveniently accessible files and provision is made for preserving, examining, and using the files; additionally, a duplicate copy of a record contained in the electronic data processing system, on optical disk, or on any other medium that does not permit additions, deletions or changes to the original document shall also be separately maintained; and

WHEREAS, Government Code Section 26205.1, subdivision (a), provides that the County officer having custody of nonjudicial public records, documents, instruments, books and papers may cause such to be destroyed (1) if the Board of Supervisors has adopted a resolution authorizing the destruction, which may impose conditions that the Board of Supervisors determines are appropriate, (2) the County officer who so destroys said records shall maintain for the use of the public a photographic or microphotographic film, electronically recorded video production, a record contained in the electronic data processing system, a record recorded on optical disk, a record recorded by any other medium that does not permit additions, deletions, or

changes to the original document, or other duplicate of the record, document, instrument, book, or paper destroyed, and (3) the record, paper or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk or reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document and is produced in compliance with Section 12168.7 for recording of permanent records or nonpermanent records; and

WHEREAS, subdivision (b) of Government Code Section 26205.1 further provides that the reproduction requirements of paragraphs (2) and (3) of section 26205.1(a) do not apply to records prepared or received other than pursuant to a state statute or county charter, or records that are expressly required by law to be filed and preserved; and

WHEREAS, the Department, working with the Division of Information Technology, has established a trusted system for the conversion of certain hardcopy official records to electronic records pursuant to Government Code Sections 26205 and 26205.1; and

WHEREAS, the Department requests authorization from the Board of Supervisors for the scanning of all records, documents, instruments and papers of the Department, all of which will be retained until the adoption of a comprehensive records retention schedule for the Department by the Board of Supervisors. All such scanned records will be placed into the Department's trusted system and available for public review; and

WHEREAS, the Department seeks to retain all such scanned records, regardless of whether prepared or received pursuant to a state statute or county charter or whether expressly required by law to be filed and preserved, and also will separately maintain a duplicate copy of the records in the trusted system, as additional conditions of the Board of Supervisors' authorization.

NOW, THEREFORE BE IT RESOLVED that the Mendocino County Board of Supervisors as follows:

1. Pursuant to Government Code Section 26202, all of the records listed in Exhibit A are more than two years old, not expressly required by law to be filed and preserved, and the Board hereby determines, by a four-fifths (4/5) vote that retention of said records 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. The Department is authorized to destroy such records.
2. Pursuant to Government Code Section 26205.1 and based on the assurances of the Department and the Division of Information Technology that the Department's electronic records system is a "trusted system" as required by State law, the Board of Supervisors grants the Director of the Department the authority to scan its records into the Department's electronic records system and destroy the original hardcopy of the records and maintain all such records until such time as a records retention schedule is adopted by the Board of Supervisors for the Department. This authorization is granted on the further conditions that:
 - a. The Department shall scan all of its records into its electronic records system, regardless of whether prepared or received pursuant to a state

statute or county charter or whether expressly required by law to be filed and preserved; and

- b. The Department will separately maintain a duplicate copy of the records in its electronic records system; and
- c. The Department will ensure public access to records within its electronic records system.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Mulheren, and carried this 26th day of September, 2023, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board



Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel





GLENN MCGOURTY, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: DARCIE ANTLE
Clerk of the Board



Deputy

EXHIBIT A

Box Numbers	Division	Contents Summary
1 through 101	Code Enforcement	<ul style="list-style-type: none"> ▪ Closed Complaints- Misc. years between 1973 to 2016 ▪ Closed Violations- Misc. years between 1974 to 2016 ▪ Abandoned Vehicle Logs- Misc. years between 2007 to 2016
1 through 50	Planning/Administrative	<ul style="list-style-type: none"> ▪ Public hearing cassette tapes- Misc. years 1980 to 2014 ▪ Staff correspondence- Misc. years between 1978 to 2013 ▪ Business License Reviews- Misc. years between 1993 to 2012 ▪ Round Table Conferences- 1997-2005
1 through 40	Fiscal/Administrative	<ul style="list-style-type: none"> ▪ Deposits and Account Payable- Misc. years between 2004 to 2013 ▪ Building receipt books- 2009-2012 ▪ Planning receipts- 2008-2015 ▪ General receipt books- 2006 to 2012 ▪ Adopted budget worksheets and reports- 2006-2009 ▪ Payroll, Time sheets- 1999 through 2007 ▪ P-card, T-card statements- 2010-2015 ▪ Building Inspection logs- 1999-2007 ▪ Fee Schedules- 1991 to 1998 ▪ Bank Statements, cash collections- 2010-2011
Documents to be Scanned and then Destroyed		
<ul style="list-style-type: none"> ▪ Code Enforcement Appeal and Lien Hearings, Misc. years between 2000-2011 ▪ Planning Commission Public Hearing Packets, Misc. years between 1983-2013 		