

RESOLUTION NO. 24-129

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS OF THE MENDOCINO COUNTY DEPARTMENT OF SOCIAL 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 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 the retention of certain similar records of the Department of Social Services; and

WHEREAS, the Department of Social Services has identified in Schedule A, attached and incorporated by reference herewith, records that are recommended for destruction, in accordance with the provision of the referenced resolution and statutes herein; 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 Government Code 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 of Social Services will utilize a California State Agencies' electronic records system established trusted system for the conversion of certain hardcopy official records to electronic records pursuant to Government Code Sections 26205.1; and

WHEREAS, the Department of Social Services 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 a California State Agencies' electronic records system which has been identified as a trusted system; and

WHEREAS, the Department of Social Services 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 by the Mendocino County Board of Supervisors, based on all of the evidence in the record before it, as follows:

1. Pursuant to Government Code Section 26202, all of the records listed in Schedule A that 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 of Social Services is authorized to destroy such records pursuant to the applicable timelines provided in Schedule A, so long as such destruction is in compliance with any applicable contractual obligations.
2. Pursuant to Government Code Section 26205.1 and based on the assurances of the Department of Social Services has identified California State Agencies' electronic records system as a "trusted system" as required by state law, the Board of Supervisors grants the Director of the Department, or a designee designated by the Director, the authority to scan its records into the applicable electronic records system and destroy the original hardcopy of the records. This authorization is granted on the following further conditions that:
 - a. The Department of Social Services shall scan all of its records into the applicable California State Agencies' 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 of Social Services will separately maintain a duplicate copy of the records destroyed pursuant to this section in its electronic records system; and
 - c. The Department of Social Services will ensure public access to records within the California State Agencies' electronic records system.
 - d. Notwithstanding the above conditions, subsections 2(a)-(c) above do not apply to records prepared or received other than pursuant to a state statute or the County charter, or records not expressly required by law to be filed and preserved.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Haschak, and carried this 10th day of September, 2024, 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

MAUREEN MULHEREN, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHARLOTTE E. SCOTT
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy

SCHEDULE A

Record Retention Schedule