

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, CALIFORNIA



FROM: Executive Office

SUBMITTAL DATE: January 7, 2004

SUBJECT: Adoption of Resolution No. 2004-044 and Approval of Revision of Board Policy A-43 Pertaining to the County's Records Management and Archives

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and adopt Resolution No. 2004-044 contained in Attachment A amending and restating provisions for the destruction of County public records; and,
2. Approve revising and restating Board Policy A-43 as shown in Attachment B codifying necessary records handling procedures and retention schedules.

BACKGROUND: In response to a number of recommendations contained in the archives consultant's report presented May 20, 2003, the Board of Supervisors directed the Executive Office to return with a recommended ordinance to codify necessary record handling procedures and retention schedules. The intent is to address the need for a detailed policy framework on which to structure a full service records and archives operation. Based on the advice of counsel, the Executive Office recommends revising Board Policy A-43 to accomplish this objective.

This revised version of the policy was widely reviewed by departments, Risk Management, County Counsel, the management of the Records Management and Archives Program (RMAP), and the Archives Commission. Extensive comments and feedback were received from them and incorporated in the final version of the policy before you.

In addition, the Executive Office recommends the Board adopt a new resolution pertaining to the destruction of public records to supercede the resolution adopted by the Board of Supervisors on August 10, 1959. The practical purpose of this is to update the intent of that resolution in language and a format that is easier to access.

Denise C. Harden (continued)
Denise C. Harden
Principal Management Analyst

FINANCIAL DATA:

CURRENT YEAR COST:	NA	IN CURRENT YEAR BUDGET:	NA
NET COUNTY COST:	NA	BUDGET ADJUSTMENT:	NA
ANNUAL COST:	NA	IF YES, FOR FISCAL YEAR:	
SOURCE OF FUNDS:	NA		

C.E.O. RECOMMENDATION: APPROVE.

Ed Cowan

Executive Officer Signature:

Policy
 Policy

Consent
 Consent

Per Department:
Per Executive Office:

Prev. Agn. ref.
12/17/2002 #3.1 02/17/2001 #3.0
05/20/2003 #9.6

Dist.

AGENDA NO.

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.36

EXECUTIVE SUMMARY

The new policy is broken into five parts: General, Program Responsibilities, Standards, Records Retention, and a Glossary. Key highlights of the revised policy are:

- ♦ **Part A. General** ~ This part clearly states the various statutes that establish authority pertaining to the handling and destroying County records, the purpose and intent of the policy, and the scope to which the policy applies.
- ♦ **Part B. Program Responsibilities** ~ This part outlines the roles and responsibilities of RMAP generally, the distinctly different roles and responsibilities of the records center and the archives, various issues with respect to the custody of records at different stages, the cooperative role of departments, and the nexus with space allocation and acquisition of specialized equipment. This section also outlines requirements for RMAP to provide the Board of Supervisors with an annual report.
- ♦ **Part C. Standards** ~ This part provides a framework on which to establish and set standards and guidelines within the County for records retention and destruction, establishing copies of record, requirements to keep records in eye-readable format, requirements for reformatting and microfilming, and for electronic formats and filing.
- ♦ **Part D. Records Retention** ~ This part outlines specific requirements and responsibilities regarding records retention and destruction, including statutory requirements pertaining to Board approval of both a general and departmental records retention schedules, and requirements for destruction of public records.
- ♦ **Glossary** ~ Finally, a glossary of terms is appended to provide a ready reference for the technical terms and concepts introduced into the revised policy.

In addition to assisting in the development of this policy, our archives consultant is already working on developing a general retention schedule for the County to follow on this policy. On an interim basis, RMAP hired a professional student intern to assist departments beginning to develop their departmental records retention schedules. We currently anticipate returning to the Board within the next four to six months with the first of these retention schedules, with the goal that RMAP will bring forward completed retention schedules on a quarterly basis until each department has a Board approved schedule.

RMAP is also recruiting for three professional archivist positions, two of which will be responsible for assisting departments with their retention schedules until that effort is complete. Based on current assessments, implementation of both the general and departmental records retention schedules should enable departments to purge a substantial backlog of obsolete records. We hope this will free a significant amount of space both in the departments and the County Records Centers, somewhat relieving pressure for additional facilities in some cases. This will save on capital costs and storage expenses, which may be rechanneled into more efficient care and archiving of the remaining records.

1 **BOARD OF SUPERVISORS****COUNTY OF RIVERSIDE**2 **RESOLUTION NO. 2004-044**3 **PERTAINING TO THE RETENTION AND DESTRUCTION OF COUNTY RECORDS**

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5 WHEREAS, pursuant to §26201 of the Government Code of the State of California the
6 Board of Supervisors may at any time authorize destruction or disposition of duplicate records,
7 papers, or documents the originals or permanent photographic reproductions of which are on
8 file with any officer or department of the County; and,

9 WHEREAS, pursuant to §26202 of the Government Code of the State of California the
10 Board of Supervisors may authorize destruction or disposition of duplicate records, papers, or
11 documents that are over two years old and that were prepared or received in any manner other
12 than pursuant to a state statute or county charter; and,

13 WHEREAS, pursuant to §26202 of the Government Code of the State of California the
14 Board of Supervisors may authorize destruction or disposition of duplicate records, papers, or
15 documents that are over two years old, that were prepared or received pursuant to a state
16 statute or county charter, and that are not expressly required by law to be filed and preserved, if
17 the Board determines by four-fifths (4/5) vote that the retention of any such record, paper, or
18 document is no longer necessary or required for County purposes; and,

19 WHEREAS, pursuant to §26202.1 of the Government Code of the State of California the
20 Board of Supervisors may authorize destruction or disposition of certain unaccepted bids or
21 proposals that are over five years old; and,

22 WHEREAS, pursuant to §26202.3 and §26202.6 of the Government Code of the State of
23 California the Board of Supervisors may, with the written consent of counsel, authorize
24 destruction or disposition of certain recordings of routine video monitoring, telephone and radio
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1 communications in the manner prescribed in Government Code §34090, §34090.5, §34090.6,
2 and §34090.7; and,

3 WHEREAS, pursuant to §26202.5 of the Government Code of the State of California the
4 Board of Supervisors may, by four-fifths vote, authorize destruction or disposition of any
5 records, papers, or documents inadvertently exposed to asbestos fiber in a quantity sufficient to
6 present a risk to the health and safety of persons who may handle them; and,

7 WHEREAS, pursuant to §26205 of the Government Code of the State of California the
8 Board of Supervisors may, at the request of the county officer concerned, authorize destruction
9 or disposition of any records, papers, or documents that are reformatted and not expressly
10 required by law to be filed and preserved, given that certain conditions are met; and,

11 WHEREAS, pursuant to §26205.1 of the Government Code of the State of California
12 county officers having custody of non-judicial public records, papers, or documents may destroy
13 or dispose of them if the Board of Supervisors has adopted a resolution authorizing that county
14 officer to destroy them, among other specified conditions; and,

15 WHEREAS, the Government Code of the State of California generally contains certain
16 other provisions and specifications on the handling of county records, which provisions and
17 specifications may from time to time be revised and amended; and,

18 WHEREAS, on August 10, 1959, the Board of Supervisors adopted a brief resolution on
19 this subject which has not been modified or updated since that time;

20 NOW THEREFORE BE IT RESOLVED AND ORDERED that:

- 21 (1) With regard to non-records, county officers are hereby authorized to destroy or dispose
22 of annually, or as often as they see fit, all of their original and duplicate non-records,
23 which includes duplicates or other copies of records made solely for convenience or
24 reference; working papers such as rough notes, calculations or drafts assembled or
25 created and used in the preparation or analysis of other documents; appointment logs;

1 stocks of blank forms or publications; or library or museum material intended solely for
2 reference or exhibit; and,

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4 (2) With regard to public records, papers, or documents, county officers shall be authorized
5 to destroy or dispose of such items only pursuant to records retention schedules
6 approved by the Board of Supervisors, or (2) after reformatting to required standards, or
7 (3) with specific permission of the board of supervisors, which retention schedules shall
8 be reviewed annually and timely revisions approved by the Board of Supervisors as
9 necessary; and,

10 (3) That all necessary policies pertaining to the orderly compilation, review, sign off and
11 approval of such records retention schedules, and any other policies required for the
12 proper handling and archiving of county records, be contained and maintained in a
13 Board policy specific to addressing records management; and,

14 (4) Upon adoption by the Board of Supervisors, this resolution shall supercede any previous
15 resolution pertaining to the destruction or disposition of county records.
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