

RESOLUTION NO. 12-058

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ESTABLISHING A RECORDS RETENTION SCHEDULE FOR THE PROBATION DEPARTMENT

WHEREAS, Government Code section 26202 provides that the Board of Supervisors may authorize the destruction or disposition of any record, paper, or document that is more than two years old and that was prepared or received in any manner other than pursuant to a State statute or county charter; and

WHEREAS, Government Code section 26202 also provides that the Board of Supervisors may, by 4/5 vote, authorize the destruction of any record, paper or document that is more than two years old, was prepared or received pursuant to a state statute, and 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 for County purposes; and

WHEREAS, the Government Code section 26202 provides that such records, papers or documents subject to this section need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained; and

WHEREAS, Government Code section 26205 provides that the Board of Supervisors may authorize the destruction of any record, paper or document that is not required to be filed and preserved if the record, paper or document is photographed, microfilmed, or otherwise reproduced in accordance with State law, including but not limited to Government Code section 12168.5; and

WHEREAS, the Chief Probation Officer has determined that certain records in his possession have no apparent historical significance and have no further administrative or programmatic value and is therefore seeking continuing authorization to destroy certain records and documents after the specified retention periods pursuant to section 26202 of the Government Code.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors finds there is a need for an orderly and controlled plan for the retention and systematic destruction of the following records and documents that are not required to be maintained by State law and that are no longer needed or required for County purposes. The Chief Probation officer is hereby granted continuing authorization to destroy the records and documents in the possession of the department as described below.

1. All Probation Department's administrative and financial records including cash deposit receipts; journal entries with all supporting documentation; payroll information; calendars; telephone message records and general correspondence; office forms and policies; budget files; and similar records, may be destroyed five years after the close of the fiscal year to which they pertain.
2. Records related to grants may be destroyed five years after the expiration of the grant.
3. All routine contract and RFP/RFQ files may be destroyed five years after the fiscal year during which the final contract activity in the file occurred. (See item 14 regarding litigated matters)
4. All employee-specific disciplinary files may be destroyed five years after the employee last worked for the department. (See item 14 regarding litigated matters)
5. All employment-related files, including documents related to internal investigations of

peace officers, or other employees of the department, or its interns or volunteers may be destroyed five years after the person last worked for the department.

6. All employee-specific files concerning citizen complaints and investigations generated outside the department against an employee of the department, including the complaint, report and findings, may be destroyed five years after the last activity in the file. (See item 14 regarding litigated matters)
7. Documents related to an officer involved shooting shall be retained permanently.
8. All adult case files may be destroyed five years after termination of probation. (PC 1203.10) (See item 14 regarding litigated matters)
9. All juvenile probation case files may be destroyed five years after termination of juvenile Court jurisdiction over the minor and the minor has reached age 18. (WIC 826)
10. All juvenile traffic matter files may be destroyed five years after termination of juvenile Court jurisdiction and the minor has reached age 21. (WIC 826)
11. All documents related to minors in an institution including booking sheets, school information, interviews, investigations, and court reports may be destroyed five years after jurisdiction of juvenile Court termination over the minor. (WIC 826)
12. All medical and mental health files on minors in an institution may be destroyed seven years after termination of juvenile Court jurisdiction over the minor, but not until one year after the minor turns 18. (22 CCR 73543, 74731, 75343, 75055)
13. All institution administrative records including incident reports, population status reports, shift turnovers, room check logs, security gear logs, Department of Juvenile Justice records, and other institution administrative and routine documents may be destroyed five years after the end of the calendar year to which they pertain.
14. Any record known to relate to threatened or pending litigation, whether civil, criminal or administrative may be destroyed one year after the final conclusion of the litigation, unless a longer retention period applies.
15. Reference materials not generated by the department, including newsletters, periodicals, pamphlets, journals, bulletins, conference materials, and other similar items are "non-records" which may be discarded or destroyed as soon as they are no longer needed.
16. Duplicates of documents kept only for convenience or reference such as copies of claims submitted to the Auditor's office, notes, calculations or drafts used to prepare or analyze other documents; and working papers and unused drafts of documents, all of which are "non-records" may be discarded or destroyed as soon as they are no longer needed.

BE IT FURTHER RESOLVED that, to the extent allowed by law, records may be retained in either paper or electronic form, provided, however, that payment receipts must be maintained in paper form with all supporting documentation for the period specified in item 1 above.

The foregoing Resolution introduced by Supervisor Hamburg, seconded by Supervisor Smith, and carried this 10th day of April, 2012, by the following vote:

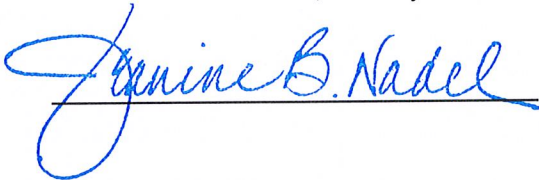
AYES: Supervisors Brown, McCowen, Pinches, Smith, and Hamburg
NOES: None
ABSENT: None

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel




JOHN MCCOWEN, 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: CARMEL J. ANGELO
Clerk of the Board


Deputy