

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 15-xxx

- Resolution of the Monterey County Board of Supervisors to:
- a. Approve the revised Records Retention Schedule for Resource Management Agency (RMA) Planning for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies; and
 - b. Authorize the Director of RMA-Planning or his or her designee to destroy or cause the destruction of County records in accordance with the approved Records Retention Schedule for Resource Management Agency (RMA) Planning.

RECITALS

WHEREAS, the Records Retention Schedule for Resource Management Agency (RMA) Planning (hereafter "Schedule"), attached hereto as Exhibit A and incorporated herein by reference, sets forth retention periods for the records of RMA-Planning;

WHEREAS, California Government Code section 26201 provides that the Board of Supervisors may authorize at any time the destruction or disposition of any duplicate record, paper, or document, the original or permanent photographic reproduction of which is in the files of any office or department of the County;

WHEREAS, California 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;

WHEREAS, California 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, 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 need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained;

WHEREAS, California Government Code section 26205 provides that the Board of Supervisors may authorize the destruction of any record, paper, or document that is not expressly required by law to be filed and preserved if all of the following conditions are complied with:

- (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 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.

(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;

WHEREAS, California Government Code section 26205.1 provides that the Board of Supervisors may adopt a resolution authorizing a county officer having custody of nonjudicial public records, documents, instruments, books, and papers to destroy such records if the records prepared or received other than pursuant to a state statute or county charter and are not expressly required by law to be filed and preserved;

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15062 (c) (2) provides that the local agency shall retain the notice of exemption for not less than 12 months;

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15075 (e) provides that the local agency shall retain the notice of determination for a negative declaration or mitigated negative declaration for not less than 12 months;

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15094 (e) provides that the local agency shall retain the notice of determination for an environmental impact report for not less than 12 months;

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15095 (c) provides that the local agency shall retain one or more copies of the final EIR as public records for a reasonable period of time;

WHEREAS, Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796) section 2773.1 (a) (2) provides that the financial assurances of each surface mining operation shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed;

WHEREAS, Surface Mining and Reclamation Act Regulations section 3504 provides that the lead agency shall establish and maintain in-house measures and procedures to ensure organized record-keeping and monitoring of surface mining reclamation under its jurisdiction;

WHEREAS, Monterey County Board of Supervisors approved and adopted the County of Monterey Records Management Policy on July 1, 2014 which included a cross departmental records retention schedule;

WHEREAS, Monterey County Board of Supervisors approved and adopted the RMA-Planning Records Retention Schedule on August 26, 2014 to address the retention of specific land use records contained within departmental files;

WHEREAS, the revised Records Retention Schedule addresses the storage, preservation, and destruction of additional land use record types that were not addressed in the previous schedule;

WHEREAS, the retention periods set forth in the Schedule meet or exceed the retention periods required by state law;

WHEREAS, the Schedule is beneficial and serves the public welfare because it establishes uniform standards for management of records; saves office and storage space by allowing the destructions of records that are no longer necessary or required for County purposes; and protects and preserves records of legal, historical, research, and informational value for future reference; and

WHEREAS, the Board of Supervisors finds that RMA-Planning records whose destruction is hereby authorized are records that meet one or more of the following criteria: are duplicates of original records kept by other agencies; are not records prepared or received pursuant to state law; are records for which any statutorily-required minimum retention period has been satisfied; are records not expressly required by law to be filed and preserved by RMA-Planning; or are records that, if prepared or received pursuant to a state statute, are not expressly required by law to be filed and preserved and will no longer be necessary or required for County purposes after the retention period prescribed in the Schedule.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Monterey does hereby:

- a. Approve the revised Records Retention Schedule for Resource Management Agency (RMA) Planning for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies attached hereto as Exhibit A and incorporated herein by reference; and
- b. Authorize the Director of RMA-Planning or his or her designee to destroy or cause the destruction of County records in accordance with the approved Records Retention Schedule for Resource Management Agency (RMA) Planning.

PASSED AND ADOPTED on this _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy