



## Monterey County Board of Supervisors

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

### Board Order

**Resolution No.: 16-328**

Upon motion of Supervisor Potter, seconded by Supervisor Armenta and carried by those members present, the Board of Supervisors hereby:

- a. Approved a variance from the Countywide Records Management Policy adopted July 1, 2014, regarding real property records related to lending activities by the Economic Development Department (EDD);
- b. Approved a variance from the Countywide Records Management Policy adopted July 1, 2014, regarding agreements and documents entered into as a result of outside grant funding;
- c. Approved the Records Retention Schedule for the EDD for the storage and/or destruction of County records as set forth by federal and state laws, county codes and policies (4/5ths vote required); and
- d. Authorized the Director of EDD or designee to destroy or cause the destruction of County records in accordance with the approved EDD Records Retention Schedule (4/5ths vote required).

PASSED AND ADOPTED on this 13th day of December 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

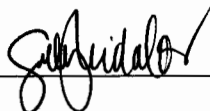
NOES: None

ABSENT: None

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 79 for the meeting on December 13, 2016.

Dated: December 22, 2016  
File ID: RES 16-084

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

By  Deputy

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

**Resolution No. 16-328**

Resolution of the Monterey County Board of Supervisors to:

- a. Approve a variance from the Countywide Records Management Policy adopted July 1, 2014, regarding real property records related to lending activities by the Economic Development Department;
- b. Approve a variance from the Countywide Records Management Policy adopted July 1, 2014, regarding agreements and documents entered into as a result of outside grant funding;
- c. Approve the Records Retention Schedule for the Economic Development Department for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies; and
- d. Authorize the Director of the Economic Development Department or designee to destroy or cause the destruction of County records in accordance with the approved Records Retention Schedule of the Economic Development Department.....

WHEREAS, the Records Retention Schedule (hereafter "Schedule"), for the Economic Development Department attached hereto as Exhibit A and incorporated herein by reference, sets forth retention periods for the records of the Economic Development Department;

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 officer 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 non-judicial 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, 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, 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 the Economic Development Department 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 the Economic Development Department; 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.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby:

- a. Approve a variance from the Countywide Records Management Policy adopted July 1, 2014, regarding real property records related to lending activities by the Economic Development Department;
- b. Approve a variance from the Countywide Records Management Policy adopted July 1, 2014, regarding agreements and documents entered into as a result of outside grant funding;
- c. Approve the Records Retention Schedule for the Economic Development Department 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
- d. Authorize the Director of the Economic Development Department or his/her designee to destroy or cause the destruction of County records in accordance with the approved Records Retention Schedule for the Economic Development Department.


**PASSED AND ADOPTED** upon motion of Supervisor Potter, seconded by Supervisor Armenta carried this 13th day of December 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter  
NOES: None  
ABSENT: None

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 79 for the meeting on December 13, 2016.

Dated: December 22, 2016  
File Number: 16-1403

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

By  Deputy

DRAFT  
Economic Development  
Records Retention Schedule

11/10/2016

Code	Category of Record	Description	Retention Period	Justification	Disposition	Confidential or Sensitive Record
CDBG PI	CDBG	Program Income	End of fiscal year program income was received + 3 years	2 CFR § 200.333 (a)	Shred / Delete	No
CDBG Displace (S)	CDBG - State	Displacement / Relocation Assistance	5 years after final payment under Grant Agreement.	State of CA Standard Agreement, Exhibit D CDBG General Terms and Conditions, 12. Audit/Retention and Inspection of Records, B.	Shred / Delete	Yes
CDBG GMM (S)	CDBG - State	Grants Management Manuals	5 years after final payment under Grant Agreement. May cover multiple grants, use latest final payment date of all subject grants to begin retention	State of CA Standard Agreement, Exhibit D CDBG General Terms and Conditions, 12. Audit/Retention and Inspection of Records, B.	Shred / Delete	No
CDBG Program (S)	CDBG - State	HCD-County Program / Project Documents, Grant Reports, Correspondence	5 years after final payment under Grant Agreement.	State of CA Standard Agreement, Exhibit D CDBG General Terms and Conditions, 12. Audit/Retention and Inspection of Records, B.	Shred / Delete	No
CDBG - Multi (S)	CDBG - State	HCD-County Program / Project Documents, Grant Reports, Correspondence	5 years after final payment under Grant Agreement.	State of CA Standard Agreement, Exhibit D CDBG General Terms and Conditions, 12. Audit/Retention and Inspection of Records, B.	Shred / Delete	Yes
CDBG - SFD (S)	CDBG - State	First Time Home Buyer and Housing Rehabilitation loan applications, correspondence and monitoring	5 years after final payment under Grant Agreement.	State of CA Standard Agreement, Exhibit D CDBG General Terms and Conditions, 12. Audit/Retention and Inspection of Records, B.	Shred / Delete	Yes
CDBG Program (U)	CDBG - Urban County	HUD-County Program / Project Documents, Grant Reports, Correspondence	Date of final expenditure report to HUD + 3 years	2 CFR § 200.333	Shred / Delete	No
CDBG Agree (U)	CDBG - Urban County Inter-Departmental & Subrecipient Agreements	Executed agreement or contract to provide goods and services including employment, but excluding those related to real property. Original contract or agreement, all change orders or amendments thereto	Date of last expenditure report to HUD for grant year Contract/Agreement was funded + 3 years	2 CFR § 200.333	Shred / Delete	No
COM01	BoS Advisory Commissions / Committees Staffed by the Department	Agendas, minutes, staff reports, distribution lists and handouts, By-Laws	Retain until advisory body is dissolved by the Board of Supervisors, then retain for 2 additional years	GC § 26202	Shred / Delete	No
GRANT	County Grant Applications Submitted to Outside Agencies	Grant applications submitted to other agencies - Not Funded	FY + 2	GC § 26202	Shred / Delete	No
HOME Displace	HOME	Displacement / Relocation Assistance	Date of final assistance payment + 5 years	24 CFR § 92.508 (c)(5)	Shred / Delete	Yes
HOME Multi Monitor	HOME - Multi-Family Rental Housing Projects	Annual project monitoring records	Project completion date plus 5 years, ongoing; 5 years after term of affordability ends	24 CFR § 92.508 (c)(1)	Shred / Delete	No
HOME Multi Program	HOME - Multi-Family Rental Housing Projects	HCD-County Program / Project Documents, Grant Reports, Correspondence	Project completion date + 5 years	24 CFR § 92.508	Shred / Delete	No
HOME PI	HOME	Program Income	Project completion date + 5 years	24 CFR § 92.508	Shred / Delete	No
HOME Tenant	HOME - Multi-Family Housing Projects	Initial Tenant Income Verification	Project completion date plus 5 years, ongoing; 5 years after term of affordability ends	24 CFR § 92.508 (c)(1)	Shred / Delete	Yes
HOME SFD Loan	HOME - Single Family Down Payment Assistance & Rehabilitation Projects	First Time Home Buyer and Housing Rehabilitation loan applications, correspondence and monitoring	Later of the term of affordability or loan repayment + five years	24 CFR § 92.508 (c)(2)	Shred / Delete	Yes

DRAFT  
Economic Development  
Records Retention Schedule

11/10/2016

Code	Category of Record	Description	Retention Period	Justification	Disposition	Confidential or Sensitive Record
HOME SFD Program	HOME - Single Family Down Payment Assistance & Rehabilitation Projects	HCD-County Program / Project Documents, Grant Reports, Correspondence, etc.	Final grant expenditure report to HCD + 5 years	24 CFR § 92.508 (c)	Shred / Delete	No
INC Lottery	Inclusionary Housing	Interested Purchaser Lottery Files	Establishment of new list + 2 years	GC § 26202	Shred / Delete	Yes
INC Monitor	Inclusionary Housing	Owner occupied and rental unit Annual Monitoring Files	FY of monitoring + 2 years	GC § 26202	Shred / Delete	Yes
INC Grant Loan	Inclusionary Housing	Grant and loan files to housing developers and providers.	Final disposition of loan or 15-years from date of grant + 2 years	GC § 26202	Shred / Delete	Yes
LOAN NF Apps	Loan Applications - Not Funded	First Time Home Buyer, Housing Rehabilitation, and Small Business loan applications not funded	FY application received + 2 years	GC § 26202	Shred / Delete	Yes
OTHER Grant Program	Grants from Other Funding Programs - E.G. BEGIN, CalHOME, and Joe Serna	Grant Agency-County Program / Project Documents, Grant Reports, Correspondence, etc.	As dictated by individual funding agreement and/or program; otherwise, FY + 2 years	GC § 26202	Shred / Delete	No
RDA Financial	Redevelopment	Annual Reports & Audits	FY report was prepared + 5 years		Shred / Delete	No
RDA Studies	Redevelopment	Technical Studies, Planning Documents & Community Organizing/Meetings (not CAC), and community programs.	FY documents were prepared + 2 years	GC § 26202	Shred / Delete	No
RDA SFD Loan	Redevelopment	Single family down payment assistance or housing rehabilitation loans & multi-family rental project loans	Final disposition of loan + 2 years	GC § 26202	Surrender / Shred / Delete	No
RP CDBG (S) Loan	Real Property Documents - State CDBG	Conveyances of real property, Deeds, promissory notes, easements, restrictive covenants, deeds of trust	Final disposition of loan + 5 years	State of CA Standard Agreement, Exhibit D CDBG General Terms and Conditions, 12. Audit/Retention and Inspection of Records. B.	Surrender / Shred / Delete	No
RP CDBG (U) Loan	Real Property Documents - Urban County CDBG	Conveyances of real property, Deeds, promissory notes, easements, restrictive covenants, deeds of trust	Final disposition of loan + 3 years	2 CFR § 200.333 (c)	Surrender / Shred / Delete	No
RP HOME Loan	Real Property Documents - State HOME	Conveyances of real property, Deeds, promissory notes, easements, restrictive covenants, deeds of trust	Final disposition of loan + 3 years	2 CFR § 200.333 (c)	Surrender / Shred / Delete	No
RP INC Dev	Real Property Documents - Inclusionary Developer In-Lieu Fee Loans & Arrangements	Developer Agreements and loan documents to secure performance on Inclusionary Housing Conditions of Approval	Permanent		RRC	No
RP INC Grant Loan	Real Property Documents - Inclusionary Housing - Development & Rehabilitation Grants & Loans	Loan applications, correspondence and loan documents with third party developers funded with Inclusionary Housing In-Lieu fees	Final disposition of loan or 15-years from date of grant + 2 years	GC § 26202	Surrender / Shred / Delete	No
RP INC OO	Real Property Documents - Inclusionary Owner - Occupant	Unit File	Permanent		RRC	Yes

**DRAFT**  
**Economic Development**  
**Records Retention Schedule**

11/10/2016

Code	Category of Record	Description	Retention Period	Justification	Disposition	Confidential or Sensitive Record
RP RDA Loans	Real Property Documents - Redevelopment Down payment Assistance, Multi-Family Housing and Housing Rehabilitation Loans	Conveyances of real property, Deeds, promissory notes, easements, restrictive covenants, deeds of trust	Final disposition of loan + 2 years	GC § 26202	Surrender / Shred / Delete	No
RP RLF	Real Property Documents - Small Business Loans	Conveyances of real property, Deeds, promissory notes, easements, restrictive covenants, deeds of trust	Final disposition of loan + 3 years	13 CFR § 307.13(a)	Surrender / Shred / Delete	Yes
SBRLF	Small Business RLF	General Administration, grant correspondence, financial records, Administrative Manual, etc.	3 years from submission date of semi-annual report for period costs were claimed	13 CFR § 307.13(b)	Shred / Delete	No
SBRLF	Small Business RLF	Loan Files - funded	Final disposition of loan + 3 years	13 CFR § 307.13(a)	Shred / Delete	Yes
STTCA	State Treasurer's Affordable Housing Tax Credit Allocation Committee	County staff reviews of TCAC Affordable Housing Project Applications	FY review was conducted + 2 years	GC § 26202	Shred / Delete	No

**Abbreviations Used in Code**

CDBG (S) - Community Development Block Grant - State Program

CDBG (U) - Community Development Block Grant - Urban County Program

DEV - Developer

Displace - Displacement and Relocation subject to the Uniform Relocation Act, as amended, 49 CFR Part 24 and Section 104(d) of the Housing and Community Development Act of 1974

INC - Inclusionary Housing Program, by County Ordinance

Multi - Multi-family residential projects

NF - Not Funded

OO - Owner Occupied

PI - Program Income

RDA - Redevelopment Agency of the County of Monterey


RP - Real Property

RRC - Monterey County Records Retention Center

SFD - Single Family Dwelling


Economic Development Department  
Records Retention Schedule

Approvals



---

David Spaur,  
Director of Economic Development



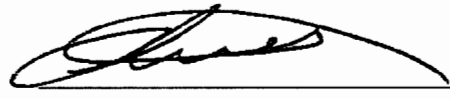
---

Rebecca Ceniceros,  
Deputy County Counsel




---

Michael Gross  
Records Retention Center Manager



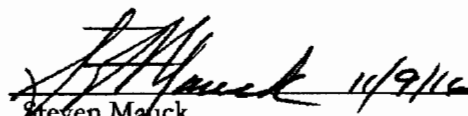
---

County Archives Manager



---

Michael Miller, Gaby Giboney  
County Auditor-Controller, Deputy



---

Steven Mauck  
Risk Manager