



Monterey County

Board Order

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

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

Adopted Resolution No. 13-024 for Implementation of a Records Retention Schedule for Resource Management Agency (RMA) Building Services for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies.

PASSED AND ADOPTED on this 5th day of February 2013, by the following vote, to wit:

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

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 76 for the meeting on February 5, 2013.

Dated: February 20, 2013
File Number: 13-0119

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

By Denise Hancock
Deputy

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

Resolution No. 13-024

Approving the Records Retention schedule)
for Resource Management Agency-Building)
Services and authorizing Resource Management)
Agency-Building Services to destroy records in)
accordance with the Schedule.....)

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

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 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 of any record, paper, or document which is more than two years old, which was prepared or received pursuant to a state statute or county charter, and which is not expressly required by law to be filed and preserved, if the Board of Supervisors determines by a four-fifths (4/5) vote that such record, paper, or document is no longer necessary or required for county purposes;

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 were 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, certain categories of records of RMA-Building Services may be subject to specific retention requirements, such as retention of building plans and specifications for certain structures (Health and Safety Code §19850-19853).

WHEREAS, as recognized by the California Secretary of State's Local Government Records Management Guidelines, certain materials are not subject to the state records retention statutes and may be discarded or destroyed as soon as they are no longer needed, such as: unofficial duplicates of documents made solely for convenience or reference; rough notes, calculations, or drafts used to prepare or analyze other documents; working drafts of documents; and library materials intended solely for reference;

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 the management of records; saves office and file space by moving to electronic storage records not required for the day-to-day operations of the office; promotes efficient access to records by systematizing retention, storage, and disposition; saves storage space and reduces storage costs by allowing the destruction 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-Building Services records whose destruction is hereby authorized are records which are more than two years old and also meet one or more of the following criteria: are duplicates of original records kept by other agencies; are records not 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-Building Services; 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 of the County of Monterey does hereby:

1. Find that the recitals set forth above are true and correct.
2. Approve the Records Retention Schedule for RMA-Building Services for Records attached hereto as Exhibit A and incorporated herein by reference.
3. Authorize the storage of the records of the RMA-Building Services at such storage facilities as the County utilizes.
4. Authorize the Chief Building Official of RMA-Building Services or his or her designee to destroy or cause the destruction of records in accordance with the approved Schedule.
5. Authorize the Chief Building Official of RMA-Building Services or his or her designee to destroy or cause the destruction of any duplicate record, paper, or document, the original of which or a permanent reproduction of which is in the files of another officer or department of the County.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Salinas, and carried this 5th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, 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 76 for the meeting on February 5, 2013.

Dated: February 20, 2013
File Number: 13-0119

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

By Denise Hancock
Deputy

Exhibit A
County of Monterey
Building Services Department
Retention Schedule

Enacted pursuant to Board of Supervisors, County of Monterey Resolution No. 13-024, pertaining to the retention and destruction of county records.
Inquiries or comments regarding this schedule should be directed to:
County of Monterey, Building Services Department, Records Management
168 West Alisal St, 2nd Floor, Salinas, CA 93901

Introduction

This schedule is written with titles and descriptions identifying specific, individual documents or forms. A record with content and function that is substantially the same as an item described in this schedule should be considered covered by that series. This retention schedule indicates the length of time that listed records, regardless of media or format, must be retained before disposition may be implemented. These retention requirements are recommended as the appropriate maximum retention period enabling the County to reduce the costs for the storage and maintenance of records while ensuring that administrative, fiscal, legal and other recordkeeping responsibilities are met.

If a federal or state statute or regulation specifies a longer retention period for any records series received, created, or maintained by an agency or department, the statute or regulation overrides this schedule and the records must be retained as per the overriding statute. In addition, a record may not be destroyed if notice of litigation, audit, open records request, etc. is received prior to the expiration of the retention period.

Records, including departmental copies held for convenience or reference, must be disposed of as directed herein at the close of the official retention period.

For records held beyond the stated retention period due to audit purposes, the Auditor Controller's Office, or appropriate auditing authority, will notify the Building Services Department once the audit is complete.

For records held for litigation, the Building Services Department will maintain the requested records until the close of litigation plus an additional ten (10) years. The Department is responsible for ascertaining the correct date of closure in order to establish this ten (10) year retention period. Furthermore, the Building Services Department is responsible for establishing appropriate procedures to ensure that records are retained for the period of time mandated and that the records remain accessible as required.

Once it has been determined that a record is no longer needed to support normal business operations and where that record must be held for a period of time as determined in the retention schedule, held permanently or is deemed to possess historical value, it may be scanned to the County Electronic Document Management System, shredded and recycled.

Mechanical, plumbing, electrical or other minor permit records (not to include permits issued for the construction of buildings) that are more than ten (10) years old and categorized as "unidentifiable" due to incomplete or absent address and/or parcel number, or are illegible will be destroyed immediately without being scanned as they cannot be indexed appropriately for future retrieval.

Explanation of Fields

Records Series Codes: The Records Series Code is assigned by the Building Services Department. The code is alphanumeric and uniquely identifies the Records Series Title regardless of the schedule it occupies enabling the Record Series to be tracked within the master index system.

Records Series Title: The Records Series Title identifies a group of similar records generally produced or utilized for similar business needs allowing them to be evaluated as a group for retention scheduling purposes.

Records Series Description: A description of the Records Series Title that includes examples, not an exhaustive list, of the record types found within the group.

Copy of Record: The copy of the record is the official copy. The schedule indicates the office or department responsible for maintaining this official copy for the retention period indicated. This copy must be maintained in an accessible and readable format.

Official Record Retention: The length of time that the Copy of Record must be kept based upon the legal minimum requirement as well as any operational or business need. All other copies must be disposed of at the end of the retention period. For example, departmental copies held for convenience or reference must be destroyed at the close of the retention period or when no longer needed to support normal business operations, whichever is earlier.

Citation / Rationale: The legal citation or operational/business reason for retaining the Copy of Record for the period specified. Final Disposition: The recommended final status or arrangement for the Copy of Record, usually disposed of by recycling, confidential shredding or transfer to the County of Monterey Records Retention Center as determined through best practice.

Explanation of Codes

DS = Departmental Support; Records are not required by statute or regulation to be held for the period indicated, but should be maintained to support the County's departmental use.

CL = Date case or file is closed; no further action is pending or required.

F = Date permit finalized.

D = Days

Y = years

P = Permanent

SSR = Scanned, Shredded and recycled

SR = Shredded and recycled

X = Expunged

O = Official Record

N/A = Not Applicable

LOB = Life of building

**COUNTY OF MONTEREY - RECORDS MANAGEMENT
RECORDS RETENTION SCHEDULE**

DEPARTMENT: BUILDING SERVICES

BOS APPROVED RESOLUTION #:
RECORDS M/ANAGEMENT APPROVAL #:
SCHEDULE #: 1

ADDRESS: 168 W ALISAL STREET, 2ND FLOOR, SALINAS, CA 93901

| RECORD SERIES CODE | RECORD SERIES TITLE | RECORD SERIES DESCRIPTION | RETENTION PERIODS | | | |
|--------------------|---------------------|---------------------------|-------------------|--|--|--|
| | | | | | | |

| APPS100 | PERMIT APPLICATIONS-30D | BUILDING PERMITS-LOB | APPLICATIONS FOR ALL PERMIT TYPES THAT DO NOT RESULT IN THE ISSUANCE OF A PERMIT (VOID, WITHDRAWN, EXPIRED, ETC.) | SHORT TERM - PAPER RECORDS | | LONG TERM - ELECTRONIC RECORDS | CONFIDENTIAL | VITAL | ARCHIVE | FINAL DISPOSITION | JUSTIFICATION / CITATION |
|-----------|-------------------------|----------------------|---|----------------------------|-----|--------------------------------|--------------|-------|---------|--|------------------------------------|
| | | | | IN OFFICE | RRC | | | | | | |
| APPS100-1 | | | | CL+2Y SR | N/A | N/A | | | | EXPUNGE WHEN INDICATED | GC § 26205 & 26202, DS |
| BLDG100 | | | | | | | CONFIDENTIAL | VITAL | ARCHIVE | | |
| BLDG100-1 | | | COPY OF ISSUED PERMIT | F+30D SSR | N/A | LOB, X | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, H & S §19850-19853, DS |
| BLDG100-2 | | | CONSTRUCTION PLANS (BUILDING &/OR GRADING | F+30D SSR | N/A | LOB, X | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, H & S §19850-19853, DS |
| BLDG100-3 | | | ENGINEERING REPORTS (GEOTECHNICAL, STRUCTURAL, ETC.) | F+30D SSR | N/A | LOB, X | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, H & S §19850-19853, DS |
| BLDG100-4 | | | APPROVED "REQUEST FOR CODE MODIFICATION OR ALTERNATE MATERIALS, METHODS OF DESIGN OR METHODS OF CONSTRUCTION" FORMS | F+30D SSR | N/A | LOB, X | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, H & S §19850-19853, DS |
| BLDG100-5 | | | SPECIAL INSPECTION REPORTS | F+30D SSR | N/A | LOB, X | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, H & S §19850-19853, DS |

| BLDG200 | BUILDING PERMITS-2Y | | SHORT TERM - IN OFFICE (paper records only) | RRC | LONG TERM (electronic records only) | OFFICIAL RECORD | CONFIDENTIAL | VITAL | ARCHIVE | PAPER, COMPUTER PRINTOUTS, ELECTRONIC COPIES | CITATION/REMARKS |
|-----------|---------------------|---|---|-----|-------------------------------------|-----------------|--------------|-------|---------|--|------------------------|
| BLDG200-1 | | APPLICATION SUBMITTAL CHECKLIST | F+30D SSR | N/A | F+2YR, X | O | -- | -- | -- | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| BLDG200-2 | | OWNER/BUILDER FORMS | F+30D SSR | N/A | F+2YR, X | O | -- | -- | -- | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| BLDG200-3 | | FEE ESTIMATOR FORM | F+30D SSR | N/A | F+2YR, X | O | -- | -- | -- | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| BLDG200-4 | | INFORMATION ON MANUFACTURED STRUCTURAL COMPONENTS | F+30D SSR | N/A | F+2YR, X | O | -- | -- | -- | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| BLDG200-5 | | PLAN CHECK CORRECTION CORRESPONDENCE | F+30D SSR | N/A | F+2YR, X | O | -- | -- | -- | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| BLDG200-6 | | HCD STATE FORMS | F+30D SSR | N/A | F+2YR, X | O | -- | -- | -- | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| BLDG200-7 | | HARDSHIP EXEMPT FORM | F+30D SSR | N/A | F+2YR, X | O | -- | -- | -- | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| BLDG200-8 | | FIELD INSPECTION FORMS | F+30D SSR | N/A | F+2YR, X | O | -- | -- | -- | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |

| | | | | | | | | | | | | | | |
|------------|-------------------------------------|--|---|-----|-------------------------------------|-----------------|--------------|-------|---------|--|--|--|--|------------------------------------|
| BLDG200-9 | | BOND INFORMATION | F+30D SSR | N/A | F+2YR, X | O | | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| BLDG200-10 | | OTHER DEPARTMENTS PLAN REVIEW CORRESPONDENCE | F+30D SSR | N/A | F+2YR, X | O | | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| BLDG200-11 | | OTHER CORRESPONDENCE | F+30D SSR | N/A | F+2YR, X | O | | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| MINOR100 | MINOR PERMITS-2Y | | SHORT TERM - IN OFFICE (paper records only) | RRC | LONG TERM (electronic records only) | OFFICIAL RECORD | CONFIDENTIAL | VITAL | ARCHIVE | | | | PAPER, COMPUTER PRINTOUTS, ELECTRONIC COPIES | CITATION/REMARKS |
| MINOR100-1 | | MINOR PERMITS (ELECTRICAL, MECHANICAL, PLUMBING, REROOF, ETC.) | F+30D SSR | N/A | F+2YR, X | O | | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205 & 26202, DS |
| MINOR100-2 | | UNIDENTIFIABLE MINOR PERMITS (ELECTRICAL, MECHANICAL, PLUMBING, GRADING) | F+10Y SR | N/A | N/A | | | | | | | | EXPUNGE WHEN INDICATED | GC § 26202, DS |
| BLDG400 | PERMIT INDICES & ARCHIVED RECORDS-P | | SHORT TERM - IN OFFICE (paper records only) | RRC | LONG TERM (electronic records only) | OFFICIAL RECORD | CONFIDENTIAL | VITAL | ARCHIVE | | | | PAPER, COMPUTER PRINTOUTS, ELECTRONIC COPIES | CITATION/REMARKS |
| BLDG400-1 | | STREET CARD INDEX | SSR | N/A | P | | | | | | | | ELECTRONIC STORAGE | GC § 26205, DS |
| BLDG400-2 | | APN BOOK INDEX | SSR | N/A | P | | | | | | | | ELECTRONIC STORAGE | GC § 26205, DS |
| BLDG400-3 | | MICROFILM & MICROFICHE PERMIT RECORDS | SSR | N/A | LOB, X | O | | | | | | | ELECTRONIC STORAGE | GC § 26205, H & S §19850-19853, DS |
| CE100 | CODE ENFORCEMENT CASE FILES-50Y | | SHORT TERM - IN OFFICE (paper records only) | RRC | LONG TERM (electronic records only) | OFFICIAL RECORD | CONFIDENTIAL | VITAL | ARCHIVE | | | | PAPER, COMPUTER PRINTOUTS, ELECTRONIC COPIES | CITATION/REMARKS |

| | | | | | | | | | | | | | |
|---------|--|----------------------|----------------|--|--------------|---|--|--|--|--|--|--|----------------|
| CE100-1 | | NOTICE OF VIOLATION | CL+30D SSR N/A | | CL+ 50 YR, X | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
| CE100-2 | | STOP WORK NOTICE | CL+30D SSR N/A | | CL+ 50 YR, X | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
| CE100-3 | | PHOTOGRAPHS | CL+30D SSR N/A | | CL+ 50 YR, X | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
| CE100-4 | | COMPLAINT FORM | CL+30D SSR N/A | | CL+ 50 YR, X | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
| CE100-5 | | INSPECTION WORKSHEET | CL+30D SSR N/A | | CL+ 50 YR, X | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
| CE100-6 | | INSPECTION NOTES | CL+30D SSR N/A | | CL+ 50 YR, X | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
| CE100-7 | | CASE NARRATIVE SHEET | CL+30D SSR N/A | | CL+ 50 YR, X | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
| CE100-8 | | CASE LOG NOTES | CL+30D SSR N/A | | CL+ 50 YR, X | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
| CE100-9 | | INVOICES | CL+30D SSR N/A | | CL+ 50 YR, X | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |

| CE100-10 | | CITATIONS | | | | CL+30D SSR N/A | | | CL+50 YR, X | | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
|----------|--------------------------------|--------------------------------|--|--|--|---|-----|-----|-------------------------------------|--|-----------------|--|--------------|-------|---------|--|--|------------------|
| CE100-11 | | FEE RECEIPTS | | | | CL+30D SSR N/A | | | CL+50 YR, X | | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
| CE100-12 | | CASE CLOSURE NOTICE | | | | CL+30D SSR N/A | | | CL+50 YR, X | | O | | | | | | EXPUNGE ELECTRONIC RECORD WHEN INDICATED | GC § 26205, DS |
| CE200 | CODE ENFORCEMENT CASE FILES-2Y | | | | | SHORT TERM - IN OFFICE (paper records only) | RRC | | LONG TERM (electronic records only) | | OFFICIAL RECORD | | CONFIDENTIAL | VITAL | ARCHIVE | | PAPER, COMPUTER PRINTOUTS, ELECTRONIC COPIES | CITATION/REMARKS |
| CE200-1 | | PROPERTY TAX REPORTS | | | | CL+30D SR | N/A | N/A | N/A | | N/A | | | | | | N/A | GC § 26201, DS |
| CE200-2 | | DEEDS | | | | CL+30D SR | N/A | N/A | N/A | | N/A | | | | | | N/A | GC § 26201, DS |
| CE200-3 | | SURVEYS | | | | CL+30D SR | N/A | N/A | N/A | | N/A | | | | | | N/A | GC § 26201, DS |
| CE200-4 | | ASSESSOR INFORMATION | | | | CL+30D SR | N/A | N/A | N/A | | N/A | | | | | | N/A | GC § 26201, DS |
| CE200-5 | | PARCEL AND/OR SUBDIVISION MAPS | | | | CL+30D SR | N/A | N/A | N/A | | N/A | | | | | | N/A | GC § 26201, DS |
| CE200-6 | | PENDENCY RECORDATION NOTICE | | | | CL+30D SR | N/A | N/A | N/A | | N/A | | | | | | N/A | GC § 26201, DS |
| CE200-7 | | PENDENCY RELEASE NOTICE | | | | CL+30D SR | N/A | N/A | N/A | | N/A | | | | | | N/A | GC § 26201, DS |

Code Sections Cited:

GC § 26201

26201. The board may authorize at any time the destruction or disposition of any duplicate record, paper, or document, the original or a permanent photographic reproduction of which is in the files of any officer or department of the county. The board may authorize at any time the destruction or disposition of any duplicate or copy of a notice to appear in court, or promise to appear in court, that is filed with any officer or department of the county, 12 months after the original of such notice or promise has been filed with the magistrate or a person authorized by the magistrate to receive a deposit of bail specified therein.

GC § 26202

26202. The board 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. The board 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.

GC § 26205

26205. At the request of the county officer concerned, the board of supervisors of any county 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.

Notwithstanding any other provision of this section, destruction of the original records, papers, or documents is not authorized when the method of reproduction pursuant to this section is reproduction of electronically recorded video images on magnetic surfaces unless a duplicate videotape of the images is separately maintained. A duplicate copy of a record contained in the electronic data processing system, on optical disk, or on any other medium that does not permit additions, deletions, or changes to the original document images shall also be separately maintained.

H & S §19850-19853

19850. The building department of every city or county shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every building, during the life of the building, for which the department issued a building permit. "Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings.

Except for plans of a common interest development as defined in Section 1351 of the Civil Code, plans need not be filed for:

- (a) Single or multiple dwellings not more than two stories and basement in height.
- (b) Garages and other structures appurtenant to buildings described under subdivision (a).
- (c) Farm or ranch buildings. (d) Any one-story building where the span between bearing walls does not exceed 25 feet. The exemption in this subdivision does not, however, apply to a steel frame or concrete building.

19851. (a) The official copy of the plans maintained by the building department of the city or county provided for under Section 19850 shall be open for inspection only on the premises of the building department as a public record. The copy may not be duplicated in whole or in part except (1) with the written permission, which permission shall not be unreasonably withheld as specified in subdivision (f), of the certified, licensed or

registered professional or his or her successor, if any, who signed the original documents and the written permission of the original or current owner of the building, or, if the building is part of a common interest development, with the written permission of the board of directors or governing body of the association established to manage the common interest development, or (2) by order of a proper court or upon the request of any state agency.

(b) Any building department of a city or county, which is requested to duplicate the official copy of the plans maintained by the building department, shall request written permission to do so from the certified, licensed, or registered professional, or his or her successor, if any, who signed the original documents and from (1) the original or current owner of the building or (2), if the building is part of a common interest development, from the board of directors or other governing body of the association established to manage the common interest development.

(c) The building department shall also furnish the form of an affidavit to be completed and signed by the person requesting to duplicate the official copy of the plans, which contains provisions stating all of the following:

- (1) That the copy of the plans shall only be used for the maintenance, operation, and use of the building.
- (2) That drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record. (3) That subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to, or use of, those plans, specifications, reports, or documents where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.
- (d) The request by the building department to a licensed, registered, or certified professional may be made by the building department sending a registered or certified letter to the licensed, registered, or certified professional requesting his or her permission to duplicate the official copy of the plans and sending with the registered or certified letter, a copy of the affidavit furnished by the building department which has been completed and signed by the person requesting to duplicate the official copy of the plans. The registered or certified letters shall be sent by the building department to the most

recent address of the licensed, registered, or certified professional available from the California State Board of Architectural Examiners. (e) The governing body of the city or county may establish a fee to be paid by any person who requests the building department of the city or county to duplicate the official copy of any plans pursuant to this section, in an amount which it determines is reasonably necessary to cover the costs of the building department pursuant to this section.

(f) The certified, licensed, or registered professional's refusal to permit the duplication of the plans is unreasonable if, upon request from the building department, the professional does either of the following:

(1) Fails to respond to the local building department within 30 days of receipt by the professional of the request. However, if the building department determines that professional is unavailable to respond within 30 days of receipt of the request due to serious illness, travel, or other extenuating circumstances, the time period shall be extended by the building department to allow the professional adequate time to respond, as determined to be appropriate to the individual circumstance, but not to exceed 60 days.

(2) Refuses to give his or her permission for the duplication of the plans after receiving the signed affidavit and registered or certified letter specified in subdivisions (c) and (d).

19852. The governing body of a county or city, including a charter city, may prescribe such fees as will pay the expenses incurred by the building department of such city or county in maintaining the official copy of the plans of buildings for which it has issued a Building permit, but the fees shall not exceed the amount reasonably required by the

building department in maintaining the official copy of the plans of buildings for which it has issued a building permit. The fees shall be imposed pursuant to Section 66016 of the Government Code.

19853. This chapter shall not apply to any building containing a bank, other financial institution, or public utility.