

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

A RESOLUTION OF THE
COUNTY OF SANTA
BARBARA, CALIFORNIA
ADOPTING AN ELECTRONIC
RECORDS RETENTION
POLICY FOR THE HUMAN
RESOURCES DEPARTMENT'S
OFFICIAL EMPLOYEE FILES

RESOLUTION NO. _____

WHEREAS, the County of Santa Barbara ("County"), including the Human Resources Department, has an obligation to maintain County records in accordance with laws and regulations and accepted records management practices; and

WHEREAS, maintaining paper records takes up space in the Human Resources Department and at off-site storage facilities; and

WHEREAS, electronic storage of Human Resources documents would eliminate the need to transport documents to and from storage, while providing quicker and more secure access to those files; and

WHEREAS, Sections 26200 et seq. of the Government Code provide the relevant procedures for retaining and destroying County records; and

WHEREAS, pursuant to Section 26205 of the Government Code the Board may authorize the destruction of any record, paper, or document that is not expressly required by law to be filed and preserved, if the record, paper, or document is electronically photographed or reproduced on a trusted system that does not permit additions, deletions, or changes to the original document, is in compliance with Section 12168.7, and the record, paper or document is placed in conveniently accessible files and provision is made for preserving, examining, and using the files; and

WHEREAS, pursuant to Section 26205.1, subdivision (a), of the Government Code, the Board may delegate to County officers the authority to destroy any nonjudicial public records, documents, instruments, books, and papers if the records, documents, instruments, books, and papers are photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, 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, or other duplicate of the record, document, instrument, book, or paper destroyed and are produced in compliance with Section 12168.7 for recording of permanent records or nonpermanent records; and

WHEREAS, pursuant to Section 26205.1, subdivision (b), of the Government Code, the authority to destroy any nonjudicial public record, paper, or document does not apply to records prepared or received pursuant to state statute or records that are not expressly required by law to be filed and preserved; and

WHEREAS, pursuant to Section 26205.1, subdivision (b), of the Government Code, every reproduction shall be deemed to be an original record and a transcript, exemplification, or certified copy of any reproduction shall be deemed a transcript, exemplification, or certified copy of the original; and

WHEREAS, for the purpose of this Resolution, "nonjudicial public records" is defined as records not in the possession, custody, or control of the California Superior Court as defined by the Countywide Policy 121-107 Local Government Records Management Guidelines; and

WHEREAS, pursuant to Section 26201 of the Government Code the Board may authorize destruction or disposition of duplicate records, papers, or documents the originals or permanent photographic reproductions of which are on file with any officer or department of the County; and

WHEREAS, pursuant to Section 26206.7 of the Government Code the Board may prescribe a procedure whereby duplicates of County records less than two years old may be destroyed if they are no longer required; and

WHEREAS, an official employee file contains documents that are considered "nonjudicial records" for the purposes of Government Code Sections 26200, et seq. and in accordance with Government Code Section 26205.1, subdivision (a); and

WHEREAS, the purpose of an electronic retention policy for the Human Resources Department's official employee files is to establish a pattern for the orderly electronic reproduction and storage of these files and destruction of the paper files, all on a continuing basis; and

WHEREAS, the Human Resources Department is prepared to comply with the trusted system requirements of Section 12168.7 of the Government Code; and

WHEREAS, the Human Resources Department will also comply with document retention requirements more stringent than those found in the Government Code by retaining such affected documents on paper; and

WHEREAS, retention policies are used by public entities across the State of California and are an appropriate mechanism for the Board to proactively make the determination under Sections 26200, et seq. of the Government Code that various categories of records may be maintained electronically for their retention periods; and

WHEREAS, this policy is in compliance with both the California Secretary of State Local Government Records Program, established pursuant to Government Code Section 12236, subdivision (a), and the Countywide Policy 121-107 Local Government Records Management Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Supervisors of the County of Santa Barbara, as follows:

1. The Human Resources Department's staff acting under the direction of the Human Resources Director, the County Officer with the delegated authority, is authorized to destroy any record, document, instrument, book, or paper within its official employee files, not expressly required to be filed and preserved, including any record, document, instrument, book, or paper prepared or received pursuant to state statute, if the record, document, instrument, book, or paper 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 that is produced in compliance with Section 12168.7 for recording of permanent records or nonpermanent records.
2. The Human Resources Department has the authority to determine the appropriate electronic medium its official employee files may be stored in, so long as the Human Resources Department complies with the laws of the State of California and appropriate federal regulations.
3. Human Resources Department's staff is further authorized, at the direction of the Human Resources Director, to destroy or dispose of any duplicate records, papers, or documents within its official employee files, the originals of which are stored on electronic media in compliance with the laws of the State of California and appropriate federal regulations.
4. Human Resources Department's staff is further authorized, at the direction of the Human Resources Director, to destroy or dispose of duplicates of County records within its official employee files less than two years old if they are no longer required.
5. The policy adopted through this Resolution shall supplement any prior records retention policy regarding the storage of the Human Resources Department's official employee files.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of

California, this _____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

JOAN HARTMANN, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTESTS:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____ (SEAL)
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

By:  (SEAL)
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Deputy County Counsel