

**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 OFFICE OF  
COUNTY COUNSEL'S  
CLOSED CIVIL LITIGATION  
CASE FILES

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the Board of Supervisors ("Board") wishes to give direction and set policy for such matters for which the responsibility of decisions is placed on it by virtue of State statute or specific ordinances and resolutions or relates to its broad policy-making authority to matters regarding Santa Barbara County; and

WHEREAS, the County of Santa Barbara ("County"), including the Office of County Counsel, 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 Office of County Counsel and at off-site storage facilities; and

WHEREAS, electronic storage of County Counsel documents would eliminate the need to transport documents to and from storage; and

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

WHEREAS, pursuant to Section 26205 of the Government Code of the State of California 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 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 non-judicial public record, paper, or document if 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, 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 reproduced under the direction and control of the county recorder on film, optical disk, or any other

medium in compliance with Section 12168.7 for recording of permanent records or nonpermanent records; and

WHEREAS, pursuant to Section 26205.1, subdivisions (a) and (b), of the Government Code of the State of California the Board may delegate to County officers the authority to destroy any non-judicial public record, paper, or document if the record, paper, or document was not prepared or received pursuant to state statute without creating an alternate copy; and

WHEREAS, for the purpose of this Resolution, “non-judicial 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 of the State of California 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, a civil litigation case file contains some documents that are considered “non-judicial records” for the purposes of Government Code sections 26200, et seq. and in accordance with Government Code section 26205.1, subdivision (a); but also contains many documents that are not considered “records,” such as preliminary memoranda, drafts, and duplicates; and

WHEREAS, a civil litigation case file becomes closed after the case’s final resolution and, thus, is no longer active; and

WHEREAS, the purpose of an electronic retention policy for the Office of County Counsel’s closed civil litigation case 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 Office of County Counsel is prepared to comply with the trusted system requirements of Section 12168.7 of the Government Code of the State of California; 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 of the State of California 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; and

WHEREAS, this policy is not set by ordinance, is not legally binding, and can be changed by adoption of a resolution approved by a majority of the Board of Supervisors and is intended to

give guidance to the Office of County Counsel's staff and future members of the Board of Supervisors; and

WHEREAS, this Board has held a public meeting on this matter and considered any public comment that has been made.

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

1. The Office of County Counsel's staff acting under the direction of County Counsel, the County Officer with the delegated authority, is authorized at any time, to destroy any record, paper, or document within its closed civil litigation case files, not expressly required to be filed and preserved, including any record, paper, or document prepared or received pursuant to state statute, if 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, 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 reproduced under the direction and control of the county recorder on film, optical disk, or any other medium in compliance with Section 12168.7 for recording of permanent records or nonpermanent records.
2. The Office of County Counsel has the authority to determine the appropriate electronic medium its closed civil litigation case files may be stored in, so long as the Office of County Counsel complies with the laws of the State of California.
3. The Office of County Counsel's staff is further authorized, at the direction of County Counsel, to destroy or dispose of duplicate records, papers, or documents within its closed civil litigation case files, the originals of which are on file with any officer or department of the County.
4. The Office of County Counsel's staff is further authorized, at the direction of County Counsel, to destroy or dispose of duplicates of county records within its closed civil litigation case files less than two years old if they are no longer required.
5. The policy adopted through this Resolution shall amend any prior records retention policy regarding the storage and destruction the Office of County Counsel's closed civil litigation case files.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Santa Barbara, State of California held on this \_\_\_\_\_ day of \_\_\_\_\_ 2017, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
CHAIR, BOARD OF SUPERVISORS

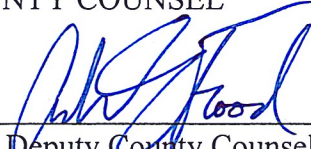
ATTEST:

MONA MIYASATO  
COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

BY: \_\_\_\_\_  
Deputy Clerk

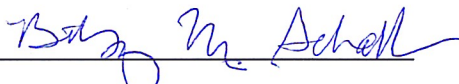
APPROVED AS TO FORM:

MICHAEL GHIZZONI  
COUNTY COUNSEL

BY:  \_\_\_\_\_  
Deputy County Counsel

APPROVED AS TO FORM:

THEODORE A. FALLATI, CPA  
AUDITOR-CONTROLLER

BY:  \_\_\_\_\_