

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

**A RESOLUTION OF THE
COUNTY OF SANTA
BARBARA, CALIFORNIA
AUTHORIZING THE DESTRUCTION
OF ENVIRONMENTAL HEALTH
SERVICES RECORDS PURSUANT TO
ITS RECORD RETENTION SCHEDULE**

RESOLUTION NO. 22-101

WHEREAS, the County of Santa Barbara ("County"), including Environmental Health Services, has an obligation to maintain County records, papers and documents in accordance with laws, regulations, policies, and accepted records management practices; and

WHEREAS, the retention of unnecessary records, papers, and documents impedes record and data accuracy for customers, and detracts from the importance and public accessibility of records, papers, and documents that do have administrative, legal, or fiscal value; and

WHEREAS, maintaining paper records takes up physical space in Environmental Health Services and at temporary off-site storage facilities at a continuing cost to the County; and

WHEREAS, through this Resolution, Environmental Health Services seeks to establish a schedule for the retention and orderly destruction or disposition of its records, papers, or documents in accordance with applicable laws, regulations, policies, and accepted records management practices; and to delegate to its Director or designee the authority to dispose of Environmental Health Services records, papers, or documents on a continuing basis in accordance with a Records Retention Schedule, approved concurrently herewith, as may be amended by approval of the County Board of Supervisors ("Board"); and

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

WHEREAS, pursuant to Government Code Section 26201, the Board may authorize at any time the destruction of any duplicate record, paper, or document, when an original or photographic reproduction is in the files of any official or department of the County; and

WHEREAS, pursuant to Government Code Section 26202, regarding records, papers or documents which are more than two years old, the Board may authorize the destruction or disposition of any such record, paper or document when the record, paper or document was not prepared or received pursuant to state statute or county charter; however, records, papers or documents that were prepared or received pursuant to state statute or county charter and are not expressly required by law to be filed and preserved, the Board may authorize destruction if it determines by a 4/5 vote that the retention of 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; and

WHEREAS, pursuant to Government Code Section 26205, 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 Government Code Section 26205.1, subdivision (a), regarding records prepared or received pursuant to a state statute or county charter, or records that are expressly required by law to be filed and preserved, the Board may by Resolution 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 Government Code Section 12168.7 for recording of permanent records or nonpermanent records; and

WHEREAS, pursuant to Government Code Section 26205.1, subdivision (b), 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 Government Code Section 26205.1, subdivision (b), 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 Government Code Section 26206.7, 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, pursuant to Government Code Section 26907.2, the board may authorize the destruction or disposition of the copies of any county deposit permits or deposit receipts issued by the county auditor which are more than five years old notwithstanding the provisions of Government Code Section 26201, 26202, and 26205; and

WHEREAS, Environmental Health Services is prepared to comply with the trusted system requirements of Section 12168.7 of the Government Code, as applicable; and

WHEREAS, Environmental Health Services will also comply with document retention requirements more stringent than those found in the Government Code by retaining such affected documents on paper, as appropriate; and

WHEREAS, record retention schedules 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 destroyed at any time, may be destroyed after two years when the document is no longer required necessary for County purposes, or may be destroyed when electronic copies are maintained in accordance with retention schedules; and

WHEREAS, this Resolution and Environmental Health Services Records Retention Schedule, is in compliance with both the California Secretary of State's 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 RESOLVED, by the Board of Supervisors of the County of Santa Barbara, as follows:

1. The records, papers or documents that were prepared or received pursuant to state statute or county charter as stated on the Record Retention Schedule approved concurrently herewith and which are not expressly required by law to be filed and preserved are authorized to be destroyed pursuant to the Record Retention Schedule as the retention of such records, papers or documents are 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;
2. The Environmental Health Services Director is delegated the authority to have destroyed or disposed of Environmental Health Services' records, papers, or documents on a continuing basis in accordance with its Record Retention Schedule, approved concurrently herewith, including, as applicable:
 - a. The destruction of any duplicate record, paper, or document, when an original or photographic reproduction is in the files of any official or department of the County in accordance with Government Code Section 26201;
 - b. For records more than two years old, the destruction or disposition of any record, paper or document not prepared or received pursuant to state statute or county charter, and without maintaining an electronic copy, in accordance with Government Code Section 26202;
 - c. For records more than two years old, the destruction or disposition of any record, paper or document prepared or received pursuant to state statute or county charter, that are not required by law to be filed or preserved, when the retention of such record, paper, or document is no longer necessary or required for County purposes, and without maintaining an electronic copy, in accordance with Government Code Section 26202;
 - d. The destruction of any record, paper, or document that is not expressly required by law to be filed and preserved, when 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 in compliance with Government Code Section 12168.7, in accordance with Government Code Section 26205;

- e. The destruction of any nonjudicial public records, documents, instruments, books, and papers not expressly required to be filed and preserved, including any record, document, instrument, book, or paper prepared or received pursuant to state statute or county charter, (i) if the record, document, instrument, book, or paper is maintained for the use of the public as a photographed, microphotographic film, electronically recorded video production, record contained 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 Government Code Section 12168.7 for recording of permanent records or nonpermanent records, and (ii) if a duplicate copy of such record in an electronic data processing system, on optical disk, or any other medium is maintained, in accordance with Government Code Section 26205.1; and
 - f. The destruction or disposition of duplicates records within its files less than two years old if such records are no longer required, in accordance with Government Code Section 26206.7.
- 3. The Environmental Health Services Director has the authority to determine the appropriate electronic medium in which its files may be stored, so long as Environmental Health Services complies with the laws of the State of California and appropriate regulations and applicable policies; and
 - 4. The policy adopted through this Resolution shall supplement any prior records retention policy regarding the storage of the Environmental Health Services files.

(Signatures on following page)

PASSED, APPROVED AND ADOPTED by the Board of Supervisors for the County of Santa Barbara in a meeting thereof held on this 10th day of May 2022 by the following vote:

AYES: Supervisors Williams, Hart, Hartmann, Nelson, and Lavagnino

NOES: None

ABSTENTIONS: None

ABSENT: None

ATTEST:

COUNTY OF SANTA BARBARA:

MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: *Sheila Guerra*

Deputy Clerk

By: *Joan Hartmann*

JOAN HARTMANN, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA
BARBARA

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

By: ^{DocuSigned by:} *Rachel Van Mullem*
Deputy County Counsel