

DEPARTMENT: County Counsel

BY: Steven W. Dahlem

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Resolution authorizing the County Counsel's office to implement an orderly and periodic schedule of destruction of certain records and documents currently in the custody of the County Counsel.

Pursuant to Government Code Section 26202 the applicable retention period has expired for the documents County Counsel is seeking to destroy. These documents are no longer of utility to the County. It is recommended that the Board approve destruction of these records.

Implementation of a periodic schedule of destruction of records will free storage space and result in periodic purging of files in accordance with Government Code section 26202.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has historically approved destruction of such records. A periodic schedule of destruction of County Counsel records will help alleviate the need for additional storage space by eliminating certain files once a year in accordance with Government Code section 26202.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The records will continue to be stored.

| | | |
|---|---------------------|--|
| Financial Impact? () Yes (x) No | Current FY Cost: \$ | Annual Recurring Cost: \$ |
| Budgeted In Current FY? () Yes () No () Partially Funded | | |
| Amount in Budget: \$ _____ | | List Attachments, number pages consecutively |
| Additional Funding Needed: \$ _____ | | Formal Resolution |
| Source: | | _____ |
| Internal Transfer _____ | | _____ |
| Unanticipated Revenue _____ 4/5's vote | | _____ |
| Transfer Between Funds _____ 4/5's vote | | _____ |
| Contingency _____ 4/5's vote | | _____ |
| () General () Other | | _____ |

CLERK'S USE ONLY:

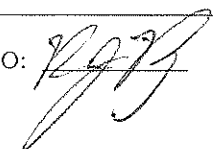
Res. No.: 11-579 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 () Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

CAO: 

RESOLUTION NO. 11-579

A RESOLUTION TO PERMIT THE CONTINUOUS DESTRUCTION OR DISPOSAL OF CERTAIN RECORDS OF THE OFFICE OF THE COUNTY COUNSEL

WHEREAS, implementation of an orderly and periodic schedule of destruction of the records currently in the custody of the County Counsel will free storage space and will result in periodic purging of these files; and

WHEREAS, 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 in any manner other than pursuant to a State statute or County charter; and

WHEREAS, Government Code section 26202 also provides that the Board of Supervisors may, by a 4/5 vote, 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, and which is not expressly required by law to be filed and preserved, if the Board determines that the record, paper, or document is no longer necessary or required for County purposes; and

WHEREAS, Government Code section 26202 provides that such records, papers or document subject to that section need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained; and

WHEREAS, the County Counsel's Office has determined that certain records in question have no apparent historical significance and have no further administrative value and, therefore, is seeking permission to destroy the following records and documents pursuant to section 26202 of the Government Code:

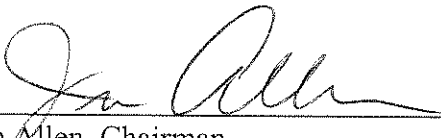
1. All departmental financial records, including claims, payroll information, and budget files which have been retained for at least five (5) years.
2. All closed files of former employees which have been retained for at least five (5) years.
3. All routine department chronological, subject and/or alphabetical files, including administrative records and contracts and those pertaining to special district, county service areas, committees and commissions which have been retained for at least five (5) years.
4. All conservatorship case files which have been retained for at least five (5) years after the death of the conservatee or dismissal of the conservatorship.
5. All litigation files containing pleadings and correspondence regarding litigated matters, which have been resolved, and which have been retained at least ten (10) years from the date of last activity in the file.

WHEREAS, all of the records, papers, and documents under the control of the County Counsel and contained in the files and records encompassed by the Office of the County Counsel Records Destruction Schedule comply with the descriptions of records, papers, and documents subject to destruction in accordance with Government Code section 26202.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of the County of Mariposa finds there is a need for an orderly and controlled plan for the systematic destruction of records that are no longer needed or required in the County Counsel's Office and said County Counsel's Office is hereby authorized to destroy the files and documents cited above.

PASSED AND ADOPTED this 6th day of December 2011 by the following vote:

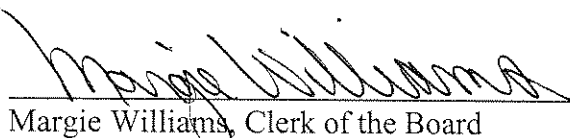
AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE



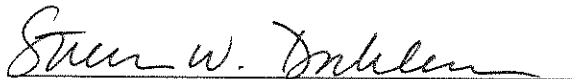
Jim Allen, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



Margie Williams, Clerk of the Board



Steven W. Dahlem, County Counsel