

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: General Services Agency

BOARD AGENDA:4.B.13
AGENDA DATE: December 14, 2021

SUBJECT:

Approval of the Records Management Policy and Records Retention Schedule for the General Services Agency and Authorize the Destruction or Disposition of Records per the Policy and Retention Schedule

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2021-0629

On motion of Supervisor Grewal Seconded by Supervisor C. Condit
and approved by the following vote,

Ayes: Supervisors: B. Condit, Withrow, Grewal, C. Condit, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: General Services Agency

BOARD AGENDA:4.B.13
AGENDA DATE: December 14, 2021

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: Yes

SUBJECT:

Approval of the Records Management Policy and Records Retention Schedule for the General Services Agency and Authorize the Destruction or Disposition of Records per the Policy and Retention Schedule

STAFF RECOMMENDATION:

1. Approve the Records Management Policy (Policy) and Records Retention Schedule (Retention Schedule) for the General Services Agency.
2. Authorize the destruction or disposition of records, papers, or documents per the Policy and Retention Schedule.

DISCUSSION:

On July 10, 2001, the Board of Supervisors approved the Destruction of Records Schedule for the Purchasing Division of the General Services Agency (GSA). In September 2020, the Chief Executive Office Capital Projects Division merged with GSA. The Department is now recommending updating this schedule and establishing a record retention policy to include all functions within GSA including, but not limited to: Administration, Capital Facilities, Central Services/Purchasing, and Fleet Services. Some records retained by GSA have permanent historical, archival or legal value to the County while others have only temporary value.

The destruction of these temporary value records, in accordance with the proposed Policy and Retention Schedule, will save space, money, time and labor, as well as simplify recordkeeping. Adoption of the proposed Policy will establish basic standards for the management of records as well as preserve and protect documents of historical, archival or legal value.

- Adoption of the Policy will authorize the immediate destruction of the following types of records, papers or documents (collectively “records”):
- Non-Records, which are records made solely for convenience or reference pertaining to routine matters and having no significant, lasting consequences such as rough notes, calculations or preliminary drafts, outdated books and pamphlets.
- Duplicate Records – Government Code Section 26201 allows for the destruction of duplicate records.

- Any records that are not expressly required by law to be filed and preserved, which are reproduced electronically – Government Code Section 26205.
- Any records that are prepared or received pursuant to a state statute or county charter and are not expressly required by law to be filed and preserved, which are reproduced electronically – Government Code Section 26205.1.
- Adoption of the Policy and Retention Schedule will authorize the destruction or disposition of certain records, papers or documents (collectively “records”) older than two years. These types of records include:
 - Records prepared or received in any manner other than pursuant to a state statute or county charter – Government Code Section 26202.
 - Records prepared or received pursuant to state statute or county charter which is not expressly required by law to be filed and preserved if the board determines by 4/5ths vote that the record, paper or document is no longer necessary or required for county purposes – Government Code Section 26202.
 - Unaccepted bids or proposals – Government Code Section 26202.1.

Adoption of the Policy and Retention Schedule will authorize the destruction or disposition of certain records after a period longer than two years. Those records include:

- Supply and equipment inventories after five years of inventory – Government Code 24051.
- Requisitions more than three years old – Government Code Section 25501.5.
- Records relevant to breach of contract litigation, until the expiration of at least four years after the termination of the contract – Code of Civil Procedure Section 337.
- Records relevant to a claim for latent defects until the expiration of at least ten years after completion of the Project – Code of Civil Procedure Section 337.15.
- Records of inspection and maintenance of heating, ventilation, and air conditioning systems for at least five years – California Code of Regulations Section 5142.

Adoption of the Policy and Retention Schedule will protect records that have historical, archival or legal value. Those records include:

- Official copies of plans of buildings for the life of the building – Health & Safety Code Section 19850.
- Planning documents (e.g. master plans and programs).
- Environmental reviews.
- Land acquisition documents (e.g. deeds, grants, easements, title reports, title policies).
- Construction records that are useful for the life of the building (e.g. as-builts, submittals).

- Utility agreements.
- Key schedules.
- Americans with Disability Act Surveys and improvements.

Finally, adoption of the Policy will protect records that may be affected by other circumstances requiring longer record retention periods than those listed above. Those circumstances may include:

- Public Records Requests.
- Litigation.
- Contract requirements – such as a grant funding or State funding which requires project records to be retained for the duration of the bonds sold.

The Policy and Retention Schedule recommended for adoption by the Board of Supervisors will provide a consolidated Policy and Schedule for all GSA divisions and allow the destruction or disposition of records that are no longer required to be retained - alleviating storage space, costs of storage, and improve ease of finding permanent records.

POLICY ISSUE:

Government Code Sections 24051, 25501.5, 26201 - 26202.1 and 26205 - 26205.1 address the process for destruction or disposition of public records. The Board of Supervisors' approval to establish destruction of records policy and schedule is required in these code sections.

FISCAL IMPACT:

There is no additional fiscal impact associated with these recommended actions. Costs to destroy or dispose of records will be covered under existing appropriations.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priority of *Delivering Efficient Public Services and Community Infrastructure* by promoting efficient governmental operations.

STAFFING IMPACT:

Existing staff in the General Services Agency will successfully administer this policy.

CONTACT PERSON:

Dan Wirtz, Director/Purchasing Agent	(209) 525-6319
Andrew Johnson, Assistant Director of Capital Facilities	(209) 525-4380

ATTACHMENT(S):

1. Records Management Policy and Schedule 12.07.2021


 STANISLAUS COUNTY GENERAL SERVICES AGENCY	Approved Version Number: 1	
	Replaces: 2001 Purchasing Policy	Distribution: All Staff
Title: General Services Agency (GSA) Records Management Policy and Records Retention Schedule		

TABLE OF CONTENTS

PART A GENERAL..... 4

PART B RECORDS MANAGEMENT PROGRAM..... 5

PART C RECORDS RETENTION AND DESTRUCTION 6

PART D ELECTRONIC FORMAT STANDARDS..... 10

EXHIBIT “A” AUTHORITY..... 11

EXHIBIT “B” RECORDS RETENTION SCHEDULE -- GSA CAPITAL PROJECTS

EXHIBIT “C” RECORDS RETENTION SCHEDULE -- GSA GENERAL

STANISLAUS COUNTY GENERAL SERVICES AGENCY RECORDS MANAGEMENT POLICY

Purpose

This policy is a statement of the legal requirements for records retention and the identification of certain records which require extended retention periods specific to records maintained by the General Services Agency (GSA) of Stanislaus County (“Department”). The policy sets forth mandatory procedures to properly and lawfully retain and destroy Department Records. The policy is intended to: (1) establish consistent procedures for the Department’s management, retention, and destruction of Department Records; and (2) ensure compliance with laws that govern the retention and destruction of Department Records

Definitions

“County Records Retention Center” means a facility for the storage of records of temporary and/or permanent value managed and operated to generally accepted records management standards. The County retains legal custody of the records they choose to house in a County Records Retention Center.

“Department” in this document shall mean Stanislaus County General Services Agency.

“Department Head” means the Director of the General Services Agency.

“Designee” means an individual designed by the Department Head to support the Department Head in matters relating to records retention, storage and destruction. The Designee must be at the level of Manager or higher in the Department.

“Destruction” of records means the physical disposal (shredding, etc.) or deletion of the record, indicating that it is no longer a record maintained by the County, rendering it inaccessible by proof of a document or manifest of destruction.

“Duplicate” means any accurate and unabridged copy of a record or series of records.

“Non-Records” are duplicates or other copies of records made solely for convenience or reference pertaining to routine matters and having no significant, lasting consequences. Examples of Non-Records include working papers such as rough notes, calculations or drafts assembled or created and used in the preparation or analysis of other documents; appointment logs; stocks of blank forms or publications; preliminary drafts; outdated books and pamphlets such as RS Means estimating books that are updated periodically.

“Official Record” means a Record in the custody of the County that meets any of the following criteria: (1) the Record was prepared to disseminate information to the public; (2) the Record was prepared and retained to memorialize an official transaction; (3) the Record is required by law or regulation to be retained; or (4) the Record is necessary to the discharge of a County employee’s official duties and was made or retained for the purpose of preserving its

informational content. Official Records do not include Non-Records or personal communications that do not meet one of the criteria above. An email may or may not constitute an Official Record.

“Permanent Value” as applied to records means there is no termination or end point to the value of maintaining the records, and that they or their appropriate surrogate are intended to be available indefinitely.

“Public Project” or “Project” means any of the following:

- a. Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work of any publicly owned, leased, or operated facility or property.
- b. Painting or repainting of any publicly owned, leased, or operated facility or property.

“Records” means all papers, maps, plans, photographic films and prints, microfilms or other microformats, electronic data, audio and visual materials, and other documents, regardless of physical form or characteristics, which are produced, received, owned, used, or retained in the regular course of transacting official County business.

“Reformatting” means to copy the content, structure, and context of records to another medium, whether analog or digital, in such a way that the copy may act as a satisfactory surrogate for the original. This requires meeting accepted national standards for particular processes and media, including indexing and searchability. It also requires assuring that the appropriate “reader/printer” capabilities are maintained so that the reformatted material is still accessible.

“Responsible recordkeeping” is generally accepted term that means creating, receiving, maintaining, and making available records in an efficient and cost-effective manner which conforms with applicable statutes and regulations, supports business processes, and meets the responsibilities placed on public agencies to promote accountability.

“Retention period” means the length of time a record must be retained to fulfill its administrative, fiscal and/or legal function.

“Retention schedule” means a list of all categories of records produced or maintained by the Department, and the required and approved actions to be taken with regard to those records, including establishing their retention period.

“Temporary value” as applied to records means there is a termination or end point to the value of maintaining the records, and that they are intended to be destroyed of at that point.

“Trusted system” means a combination of technologies, policies, and procedures for which there is no plausible scenario in which a public record retrieved from or reproduced by the system could differ substantially from the public record that is originally stored.

Part A. General

Section A.1. Title

This policy shall be known as the “General Services Agency- Records Management Policy”. This policy shall supersede the records retention policy for the Stanislaus County Purchasing Agent approved by the Board of Supervisors on July 10, 2001.

Section A.2. Authority.

This policy is adopted in consideration of the provisions of [Government Code §6250 et seq.](#) (California Public Records Act) pertaining to the availability and accessibility of public records; [Government Code §25501.5, §§26201-26202.1 and §§26205-26205.1](#) pertaining to the Board of Supervisors’ responsibilities regarding the retention and destruction of County records; in accordance with [Government Code §12168 et seq.](#) pertaining to establishing standards; in accordance with Government Code §12236(a) the Secretary of State Local Government Guidelines, and other applicable laws or regulations. For ease of reference, excerpts of these and other applicable code sections can be found in Exhibit “A”.

Section A.3. Purpose and Intent

It is the purpose and intent of this policy to establish a uniform program of responsible recordkeeping in accordance with applicable law and this policy, and to adopt a Record Retention Policy and Destruction Schedule applicable to Department Records. The schedule specifies the minimum length of time that the Department’s Official Records must be maintained before destruction. The Department’s Retention and Destruction Schedule (the Retention Schedule) reflects retention and destruction requirements for Official Records and include retention and destruction requirements with respect to specific Official Records that the Department prepares, owns, receives, uses, or retains. Whether a Record constitutes an Official Record is a determination made by the Department(s) with custody of the Record.

Through the adoption of this policy, the County will:

- a. **Save Space** by removing from office records not required for the day-to-day operations; by removing from storage areas records that no longer have significant value; and by maintaining a consistent flow of records from office space to off-site storage to destruction.
- b. **Save Money** by better utilization of office space and imaging technology for active records; by restricting the use of leased space for storage of inactive records; by controlling the purchase of equipment and supplies to file inactive records; by providing cost effective storage facilities for inactive records; and by encouraging the use of automated micrographic systems for active, long term and archival records.
- c. **Save Time and Labor** in locating records by removing inactive records from office files; by centrally locating inactive records in an off-site facility; by maintaining a computerized records management system which provides for retrieval and accounting of off-site records and utilizing imaging technology and automation for active records retrieval.

- d. **Simplify** record keeping and promote efficient access to records.
- e. **Establish Basic Standards** for the transfer and conversion of paper records to electronic or other accepted formats, consistent with applicable law.
- f. **Preserve and Protect** documents of historical and/or archival value.

Section A.4. Applicability

This policy and the standards for responsible recordkeeping developed under its authority apply to the Department. All records, as defined above, are records of the County and are not records of individual, including staff, employees, and elected officials.

Section A.5. Responsibility for Maintenance of Official Records.

The Department Head is the custodian of all records for projects and transactions (such as land acquisition, planning, environmental review, design and construction of capital facilities, financing, leases, purchase agreements and master plans), unless the Records relating to the Transaction are delegated to another department or interested party.

Effective as of the date of approval of this policy, Official Records originating from the Department shall be maintained as follows:

- a. For Official Records originating from Department for the purpose of the acquisition of land, planning, financing, designing or construction of a Project, the Department shall maintain and be responsible for the Official Records, except as otherwise determined by the Board of Supervisors. For example, records originating from the Department for the purpose of another County Department's (or other entity's) continued use, maintenance and responsibility after completion of the Project (i.e. building leases, modular building permit tags, certificate of occupancy), the Board may designate another Department (or other entity) as the party responsible for "Responsible recordkeeping" of Official Records.
- b. For records originating from the Department and transmitted to the Board of Supervisors for formal action, the Clerk of the Board of Supervisors shall maintain and be responsible for the Official Records.

Part B. Capital Facilities Records Management Program Responsibilities

Section B.1. Responsibilities – Department Head

The Department Head is charged with the development and implementation of procedures of the management of records consistent with this policy. The Department Head or his/her designee shall periodically survey Department records management practices, and where appropriate, recommend improvements in those practices. This shall include assessing use of space, equipment, systems and supplies necessary and appropriate to create, receive, maintain, store, archive and make available records. The Department Head and his/her authorized Designee have duties which include:

- Help determine and recommend updates of this Policy and Retention Schedule to the Board.
- Adopt policies concerning the documentation of retained and destroyed records.

- Maintain the records and prepare a file plan for the purpose of classifying records.
- Make decisions about who can access records.
- Provide guidance to Department personnel in records related issues, including guidance to departmental personnel who are involved in preparing records for storage or destruction.
- Work to ensure proper handling of records.
- Periodically review material scheduled for destruction.

Section B.2. Responsibilities – Records Retention Centers

To make available cost-effective storage, access, and disposal for Department records, the Department Head shall choose one or more Records Retention Centers (“RRCs”) that are safe, secure with documents organized and stored in a legally compliant manner. All records at the RRC The Department shall be properly indexed by Department personnel.

All offsite storage locations must have the written pre-approval of the Department Head or his/her designee. Any offsite storage which exists at the time of the adoption of this policy is exempt from compliance to this policy, but efforts will be made to bring it into compliance or replace it with compliant storage as directed by the Board of Supervisors.

Section B.3. Responsibilities – Custody, Control of and Access to Department Records

The custodian of public records for records that the Department stores in a RRC is the Department Head and his/her designee. Any County officer or employee having custody or control of any County records shall, at the expiration of their term of office, appointment, or employment, deliver custody and control of all up to date records kept or received by them to their successors or supervisors, or to the RRC if appropriate and as directed.

Part C. Records Retention and Destruction

Section C.1. Authority to Destroy Records With No Value.

The Department Head is authorized to destroy the following records under the following conditions:

Category 1: Non Records. Non-Records may be destroyed at any time.

Category 2: Government Code Section 26201 (Duplicates). Any duplicate record, paper, or document, the original of which is in the files of any officer or department of the county may be destroyed at any time.

Category 3: Government Code Section 26205 (Documents Not Required by Law to be Filed and Preserved, Which Are Reproduced Electronically). Any record, paper, or document that is not expressly required by law to be filed and preserved may be destroyed 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.”

Category 4: Government Code Section 26205.1 (Records Prepared Pursuant to State Law or County Charter and Not Required by Law to be Filed and Preserved, Which Are Reproduced Electronically).

Any records, documents, instruments, books, and papers prepared pursuant to state statute or county charter and not required by law to be filed and preserved may be destroyed if all of the following conditions exist:

(a) The county officer who destroys any record, document, instrument, book, or paper shall maintain for the use of the public a photographic or microphotographic film, electronically recorded video production, a record contained in the electronic data processing system, a record recorded on optical disk, a record recorded by any other medium that does not permit additions, deletions, or changes to the original document, or other duplicate of the record, document, instrument, book, or paper destroyed.

(b) 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.

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 shall also be separately maintained.”

Section C.2. Authority to Destroy Records.

In addition to the authority to destroy records in Section C.1 above, and except as provided in Sections C.3 and C.4 below, the Department Head is authorized to destroy the following records, provided that in the event a record falls within more than one category, the longest retention period shall apply:

Category 5: Government Code Section 25501.5 (Requisitions 3+ Years Old). Any written requisition received by the purchasing agent which is more than three years old. Such requisitions need not be photographed, reproduced, or microfilmed prior to destruction and no copy thereof need be retained.

Category 6: Government Code Section 26202 (2+ Years and Prepared/Received Other than State Law or County Charter). 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. Such records, papers or documents need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained.

Category 7: Government Code Section 26202 (2+ Years and Prepared/Received Pursuant to State Law and County Charter and Not Required by Law to be Preserved Subject to 4/5 Board Approval). 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.”

Category 8: Government Code Section 26202.1 (Unaccepted bids on Project More than Two Years Old). Any unaccepted bid or proposal for the construction or installation of any building, structure, bridge, or highway or other public works which is more than two years old.

Category 9: Health and Safety Code Section 19850: The 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.

Category 10: Code of Civil Procedure Section 337: Any record, paper or document relevant to breach of contract litigation, until the expiration of at least four years after the termination of the contract.

Category 11: Code of Civil Procedure Section 337.15: Any record, paper or document relevant to a claim for latent defects until the expiration of at least ten years after completion of the Project.

Section C.3. Retention Schedule.

The authority to retain/destroy certain records requires a determination by four-fifths (4/5) vote of the Board that the retention of any such record, paper or document is no longer necessary or required for County purposes.

Except as provided in C.4 below, the Department Head is authorized to destroy records once the retention period assigned to them in the attached Retention Schedule has been achieved. The Retention Schedule for the Capital Facilities division is attached hereto as **Exhibit "B"**. The Destruction of Records Schedule for the Purchasing division is attached here to as **Exhibit "C"**.

Section C.4. Limitation on Authority to Destroy Records. Notwithstanding the authority granted in C.2 and C.3 above, the Department Head is not authorized to destroy the following records:

Government Code Section 6250-6270: Any record, paper or document subject to a California Public Records Act (CPRA) request.

Litigation Hold. Any record, paper or document subject to a litigation hold. Once a party reasonably anticipates litigation, it must suspend its routine document retention/destruction policy and put in place a 'litigation hold' to ensure the preservation of relevant documents. *Zubulake v. UBS Warburg*, 220 FRD 212, 218 (S.D.N.Y. 2003).

Contract Requirements. Any record, paper or document subject to longer retention periods than those set in this Policy or the Retention Schedule by a contract entered into by the Board of Supervisors. One example could be a contract for State funding requiring project records to be retained for the duration of the bonds sold to provide the funding.

When evaluating Section C.4 records, paper or documents, most supporting documents such as correspondence and internal memoranda should be retained for the same period as the document they pertain to or support. For example, a letter pertaining to a particular contract would be retained through the completion of the project, plus 10 years after completion. It is recommended that records that support a particular project be kept with the project and take on the retention time of that particular project file.

Part D. Electronic Format Standards

Section D.1. Standards – electronic format

In accordance with Government Code §12168 *et seq.*, the Department Head, in consultation with Stanislaus County's Information Technology Central (ITC), shall approve and adopt appropriate standards by using standards that are accredited by the American National Standards Institute or other applicable industry-recognizing standards making body, for storing and recording public records in electronic media or in a cloud computing storage service. The standards shall include utilization of a trusted system.

Approved by:



Department Head

Stanislaus County Counsel
Thomas E. Boze



G. Michael Ziman, Deputy County Counsel

Approved by the Board of Supervisors on _____ in Resolution # _____

Exhibit "A"
AUTHORITY

Government Code Section 24051

(a) On or before July 10th in each year, or at any other interval designated by the board of supervisors, each county officer or person in charge of any office, department, service, or institution of the county, and the executive head of each special district whose affairs and funds are under the supervision and control of the board of supervisors or for which the board is ex officio the governing body shall file with the county clerk, or with the county auditor, according to the procedure prescribed by the board, an inventory under oath, showing in detail all county property in his or her possession or in his or her charge at the close of business on the preceding June 30th.

(b) By ordinance the board of supervisors may prescribe an annual or any other period, provided that the period shall not be in excess of three years, for preparation of the inventory and a correspondingly different date for its filing, and may prescribe the manner and form in which the inventory shall be compiled. The inventories shall be kept of record by the county clerk or auditor for at least five years. Any inventory which has been on file for five years or more may be destroyed on order of the board of supervisors or may be destroyed at any time after the document has been reproduced in accordance with Section 26205.1.

(c) A true copy of the inventory shall be delivered by the person who made it to his or her successor in office, who shall receipt for it. The receipt shall be filed with the county clerk or county auditor.

Government Code Section 25501.5 *"The board of supervisors may authorize the destruction or disposition of any written requisition received by the purchasing agent which is more than three years old. Such requisitions need not be photographed, reproduced, or microfilmed prior to destruction and no copy thereof need be retained."*

Government Code Section 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...."*

Government Code Section 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.”*

Government Code Section 26202.1 *“The board may authorize the destruction or disposition of any unaccepted bid or proposal for the construction or installation of any building, structure, bridge, or highway or other public works which is more than two years old.”*

Government Code Section 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.”

Government Code Section 26205.1

“(a) The county officer having custody of nonjudicial public records, documents, instruments, books, and papers may cause to be destroyed any or all of the records, documents, instruments, books, and papers if all of the following conditions exist:

(1) The board of supervisors of the county has adopted a resolution authorizing the county officer to destroy records, documents, instruments, books, and papers pursuant to this subdivision. The resolution may impose conditions, in addition to those specified in this subdivision, that the board of supervisors determines are appropriate.

(2) The county officer who destroys any record, document, instrument, book, or paper pursuant to the authority granted by this subdivision and a resolution of the board of supervisors adopted pursuant to paragraph (1) shall maintain for the use of the public a photographic or microphotographic film, electronically recorded video production, a record contained in the electronic data processing system, a record recorded on optical disk, a record recorded by any other medium that does not permit additions, deletions, or changes to the original document, or other duplicate of the record, document, instrument, book, or paper destroyed.

(3) 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) Paragraphs (2) and (3) of subdivision (a) do not apply to records prepared or received other than pursuant to a state statute or county charter, or records that are not expressly required by law to be filed and preserved.

For the purposes of this section, every reproduction shall be deemed to be an original record and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy, as the case may be, of the original...

(d) 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 shall also be separately maintained.”

Health and Safety Code Section 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...”

8 California Code of Regulations 5142 (HVAC Records)

....(b) Inspection and Maintenance:

(1) The HVAC system shall be inspected at least annually, and problems found during these inspections shall be corrected within a reasonable time.

(2) Inspections and maintenance of the HVAC system shall be documented in writing. The employer shall record the name of the individual(s) inspecting and/or maintaining the system, the date of the inspection and/or maintenance, and the specific findings and actions taken. The employer shall ensure that such records are retained for at least five years.

Code of Civil Procedure Section 337 *(Four-year Statute of Limitations for breach of contract).*

Code of Civil Procedure Section 337.15 *(10-year statute of limitations for latent defects in construction projects).*

Government Code Section 6250-6270 *(California Public Records Act (CPRA) is intended to increase freedom of information by giving the public access to certain information in the possession of public agencies. The CPRA gives members of the public the right to inspect public records that are not exempt from disclosure. (Govt. Code Section 6253)).*

Litigation Hold. *“A litigant is under a duty to preserve evidence which it knows or reasonably should know is relevant to the action.” In re Napster, Inc. Copyright Litig., 462 F. Supp. 2d 1060, 1067 (N.D. Cal. 2006). The duty attaches “from the moment that litigation is reasonably anticipated.” Apple Inc. v. Samsung Electronics Co., Ltd., 881 F. Supp. 2d 1132, 1136 (N.D. Cal. 2012). “Once a party reasonably anticipates litigation, it must suspend its routine document retention/destruction policy and put in place a ‘litigation hold’ to ensure the preservation of relevant documents.” Zubulake v. UBS Warburg, 220 FRD 212, 218 (S.D.N.Y. 2003).*

Exhibit "B"
Stanislaus County Capital Facilities Retention Schedule

The retention periods below do NOT reflect special circumstances that may apply due to funding source requirements, legal proceedings, or CPRA requests. Prior to destruction of files, Department Head, or designee, will consider external or special retention requirements that may justify a longer retention period (as directed by the Policy in paragraph 6, Retention Periods).

Any sub-category not listed in this retention schedule shall have the same retention period as the category it falls under.

A OWNER FILES (also X 15.##.1 – X 15.##.7, where ## is the specific project number)

File Section	Retention Period	Statute
<u>A 1 GENERAL ("OWNER FILES") (also X 15.##.1)</u> 1.1 Administrative .1 General .2 File Plan .3 Forms .4 Project Directory	TWO (2) YEARS after Project Closeout	GC §26202
<u>A 2 CORRESPONDENCE/E-MAIL</u> 2.1 Chronological .1 Outgoing .2 Incoming	TWO (2) YEARS after Project Closeout	GC §26202
<u>A 3 FINANCIAL (also X 15.##.4)</u> 3.1 General	TWO (2) YEARS after Project Closeout	GC §26202
3.2 Funding	FIVE (5) YEARS after Project Closeout	CCP §337
3.3 Budget	TWO (2) YEARS after Project Closeout	GC §26202
3.4 Forecast/Trending	TWO (2) YEARS after Project Closeout	GC §26202
3.5 Cost .1 General .2 Cost Report .3 Transfers	FIVE (5) YEARS after Project Closeout	CCP §337
3.6 Estimates	TWO (2) YEARS after Project Closeout	GC §26202
3.7 Value Engineering	TWO (2) YEARS after Project Closeout	GC §26202
<u>A 4 SCHEDULES (Owners) (also X 15.##.1)</u> 4.1 General 4.2 Project Master Schedule	TWO (2) YEARS after Project Closeout	GC §26202

File Section	Retention Period	Statute
<u>A 5 PROCUREMENT</u>		
5.1 General	TWO (2) YEARS after Project Closeout	GC §26202
5.2 Purchase Orders (also X 15.##.6) .1 By Vendor	FIVE (5) YEARS after Project Closeout	GC §26907 CCP §337
5.3 Pre-Design A/E Procurement (also X 15.##.5) 5.4 A/E Procurement (also X 15.##.5) 5.5 Construction Contract Procurement (also X 15.##.5) .1 Pre-Qualification .2 Bidding Information .3 Addenda .1 Q & A .4 Pre-Bid Conference .5 Evaluation/Award	FIVE (5) YEARS after Project Closeout	CCP §337
5.6 Consultants (also X 15.##.3)	FIVE (5) YEARS after Project Closeout	CCP §337
A 6 PRE-CONSTRUCTION PLANNING MEETINGS (also X 15.##.2) 6.1 General	TWO (2) YEARS after Project Closeout	GC §26202
A 7 REPORTS 7.1 General 7.2 Monthly 7.3 Staff	TWO (2) YEARS after Project Closeout	GC §26202
A 8 PROCEDURES 8.1 General 8.2 Project Management Plan	TWO (2) YEARS after Project Closeout	GC §26202
<u>A 9 BOARD ORDERS (also X 15.##.1)</u> 9.1 General 9.2 Board Items	TWO (2) YEARS after Project Closeout NOTE: BOS maintains Board items permanently	GC §26202
<u>A 10 PREDESIGN/PLANNING</u> 10.1 General 10.2 Feasibility Study	LIFE of building, or until SUPERCEDED	H&S § 19850

File Section	Retention Period	Statute
<u>A 11 NEEDS ASSESSMENT</u> 11.1 General 11.2 Contract, Insurance, Amendments 11.3 Schedule 11.4 Meetings 11.5 Payments	FIVE (5) YEARS after Project Closeout	CCP §337
11.6 Reports 11.7 Issues/Actions	LIFE of building, or until SUPERCEDED	Archival Value
<u>A 12 PROGRAMMING</u> 12.1 General 12.2 Contract, Insurance, Amendments 12.3 Schedule 12.4 Meetings 12.5 Payments	FIVE (5) YEARS after Project Closeout	CCP §337
12.6 Reports 12.7 Issues/Actions	LIFE of building, or until SUPERCEDED	Archival Value
<u>A 13 ISSUES/ACTIONS (also X 15.##.7)</u> 13.1 General 13.2 Utilities - General	LIFE of building, or until SUPERCEDED	Archival Value
A 14 NEWS & MEDIA 14.1 General	FIVE (5) YEARS after Project Closeout	CCP §337
<u>A 15 SAFETY</u> 15.1 General	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>A 16 ENVIRONMENTAL</u> 16.1 General 16.2 CEQA 16.3 EIR 16.4 Phase I & II	PERMANENTLY	Legal And Archival Value
<u>A 17 FF&E</u> 17.1 General	FIVE (5) YEARS after Project Closeout	CCP §337
<u>A 18 DATA & COMMUNICATIONS</u> 18.1 General	LIFE of building, or until SUPERCEDED	Legal And Archival Value
<u>A 19 SITE (Title Reports, Deeds, Land Information, Etc)</u> 19.1 General	PERMANENTLY	Legal And Archival Value

File Section	Retention Period	Statute
<u>A 20 LEGAL</u> 20.1 General	LIFE of building, or until SUPERCEDED	Legal And Archival Value
<u>A 21 TRANSITION/OCCUPATION/RELOCATION</u> 20.1 General	FIVE (5) YEARS after Project Closeout	CCP §337

C ARCHITECT/ENGINEER (A/E) CONTRACT FILES (also X 15.##.8)

File Section	Retention Period	Statute
<u>C 1 GENERAL (“ARCHITECT FILES”) (also X 15.##.8.1)</u> <u>C 2 CONTRACT & AMENDMENTS (also X 15.##.8.2)</u> 2.1 General 2.2 Contract	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>C 3 SCHEMATIC DESIGN (also X 15.##.8.3)</u> 3.1 General 3.2 Review & Comments 3.3 Estimates	TWO (2) YEARS after Project Closeout	GC §26202
<u>C 4 DESIGN DEVELOPMENT (also X 15.##.8.3)</u> 4.1 General 4.2 Review and Comment 4.3 Estimates	TWO (2) YEARS after Project Closeout	GC §26202
<u>C 5 CONSTRUCTION DOCUMENTS (also X 15.##.8.3)</u> 5.1 General 5.2 Drawings & Specifications 5.3 Reviews & Comments 5.4 Estimates	PERMANENTLY	Legal And Archival Value
<u>C 6 A/E MEETINGS (also X 15.##.8.5)</u> 6.1 General	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>C 7 SITE INFORMATION</u> 7.1 General	PERMANENTLY	Legal And Archival Value
<u>C 8 REPORTS (also X 15.##.8.6)</u> 8.1 General 8.2 Site Observations 8.3 Monthly	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>C 9 DESIGN SCHEDULE (also X 15.##.8.7)</u> 9.1 General 9.2 Schedule Delays	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>C 10 PAYMENTS (also X 15.##.8.8)</u> 10.1 General 10.2 Progress .1 Retention Release	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>C 11 ISSUES / ACTIONS</u> 11.1 General	ELEVEN (11) YEARS after Project Closeout	CCP §337.15

D CONSTRUCTION PHASE (also X 15.##.9)

File Section	Retention Period	Statute
<u>D 1 GENERAL ("CONTRACTOR FILES") (also X 15.##.9.1)</u> 1.1 General	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>D 2 CONTRACT, INSURANCE, BONDS, NOTICE TO PROCEED, LIENS (also X 15.##.9.2)</u> 2.1 General 2.2 Contract, Insurance & Bonds 2.3 Notice to Proceed 2.4 Subcontracts 2.5 Liens	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>D 3 SPECIFICATIONS/DRAWINGS</u> 3.1 General	LIFE OF BUILDING	H&S § 19850
<u>D 4 LABOR (also X 15.##.9.3)</u> 4.1 General 4.2 Manpower Report 4.3 Certified Payroll	TWO (2) YEARS after Project Closeout	GC §26202
<u>D 5 EEO/MBE</u> .1 General	TWO (2) YEARS after Project Closeout	GC §26202
<u>D 6 SAFETY (also X 15.##.9.4)</u> 6.1 General 6.2 Program 6.3 Accident Reports	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>D 7 MEETINGS (also X 15.##.9.5)</u> 7.1 General 7.2 Preconstruction 7.3 Weekly	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>D 8 REPORTS (also X 15.##.9.6)</u> 8.1 General 8.2 Contractor 8.3 A/E Site Visit	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>D 9 SCHEDULES (also X 15.##.9.7)</u> 9.1 General 9.2 Weekly 9.3 CPM	ELEVEN (11) YEARS after Project Closeout	CCP §337.15

File Section	Retention Period	Statute
<u>D 10 PAYMENTS (also X 15.##.9.8)</u> 10.1 General 10.2 Log 10.3 Schedule of Values 10.4 Open 10.5 Payments 10.6 Retention 10.7 Stop Notices	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>D 11 SUBMITTALS (also X 15.##.9.9)</u> 11.1 General 11.2 Log 11.3 Submittals 11.4 Substitutions 11.5 Submittal Schedule	LIFE OF THE BUILDING	Legal And Archival Value
<u>D 12 RFI'S, SI'S, ASI'S (also X 15.##.9.10)</u> 12.1 General 12.2 Log 12.3 RFI's, SI's, ASI's	LIFE OF THE BUILDING	Legal And Archival Value
<u>D 13 CHANGE DIRECTIVES (also X 15.##.9.11)</u> 13.1 General 13.2 Log 13.3 Change Directives	LIFE OF THE BUILDING	Legal And Archival Value
<u>D 14 CHANGES (also X 15.##.9.12)</u> 14.1 General .1 Wage Rates 14.2 Log 14.3 Change Order Requests / Cost Proposals 14.4 Requests for Quotes 14.5 Change Orders 14.6 Time Extensions .1 Weather Days	LIFE OF THE BUILDING	Legal And Archival Value
<u>D 15 CLAIMS (also X 15.##.9.13)</u> 15.1 General 15.2 Log 15.3 Claims	ELEVEN (11) YEARS after Project Closeout	CCP §337.15

File Section	Retention Period	Statute
<u>D 16 INSPECTION / TESTING (also X 15.##.9.14)</u> 16.1 General 16.2 Daily Reports .1 CM .2 IOR 16.3 Log 16.4 Testing .1 Testing Contract .2 Testing Invoices .3 Testing Requests .4 Testing Results	LIFE OF THE BUILDING	Legal And Archival Value
<u>D 17 PHOTOGRAPHS</u> 17.1 General	PERMANENTLY	Archival Value
<u>D 18 OWNER-FURNISHED MATERIALS</u> 18.1 General	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>D 19 COORDINATION</u> 19.1 General	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>D 20 CLOSE OUT & ACCEPTANCE (also X 15.##.9.15)</u> 20.1 General 20.2 Punch List 20.3 Substantial Completion 20.4 Close Out Submittals .1 As-Builts .2 Operation Manuals .3 Materials / Parts .4 Keys .5 Instructions / Training .6 Warranty / Guarantee 20.5 Final Completion & Recommendation of Acceptance	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>D 21 OCCUPANCY / TRANSITION</u> 21.1 General	ELEVEN (11) YEARS after Project Closeout	CCP §337.15
<u>D 22 WARRANTY WORK</u> 22.1 General	LIFE OF THE BUILDING	Legal And Archival Value

File Section	Retention Period	Statute
<u>D 23 ISSUES (also X 15.##.9.16)</u> 23.1 General	ELEVEN (11) YEARS after Project Closeout	CCP §337.15

For those types of documents not covered above, the following retention periods shall apply.

File Section	Retention Period	Statute
<u>X 1 General (Capital Facilities)</u> Topics include: Planning, Organization, Stanislaus County General (Phones), SC Time Cards, Code Requirements, The Downtown Blueprint Report, Pacific Storage File Reference, List of Contractors for Future Projects, Education, Capital Projects Assets, File Plan, SFTP Site	After TWO (2) YEARS and No Longer Useful (whichever is longer)	GC §26202
<u>X 2 CORRESPONDENCE</u>	TWO (2) YEARS after Project Closeout	GC §26202
<u>X 3 FINANCIAL</u> Topics include: Funding, budgets, cost reports, transfers, estimates, appraisals	FIVE (5) YEARS after Project Closeout	CCP §337
<u>X 4 SCHEDULES</u>	TWO (2) YEARS OR No Longer Useful (whichever is longer)	GC §26202
<u>X 5 PROCUREMENT</u> .1 General .2 Purchasing General .1 By Vendor	FIVE (5) YEARS after Contract Closeout	CCP §337
.2 Small Purchases Procedures .3 Informal Bid Procedures .4 PO Process .5 Sole Source Criteria .3 A/E Procurement (Masters / Procedures) .4 Letters of Interest .5 Contractor Procurement (Masters / Procedures)	TWO (2) YEARS OR No Longer Useful (whichever is longer)	GC §26202
.6 Consultants	FIVE (5) YEARS after Contract Closeout	CCP §337

File Section	Retention Period	Statute
X 6 MEETINGS (Capital Facilities) X 7 REPORTS (Capital Facilities) X 8 PROCEDURES X 9 BOARD ORDERS X 10 PREDESIGN/PROGRAM X 11 DESIGN X 12 CONSTRUCTION	TWO (2) YEARS OR No Longer Useful (whichever is longer)	GC §26202
X 13 ISSUES / ACTIONS	TWO (2) YEARS after issue is closed	GC §26202
X 14 NEWS & MEDIA	TWO (2) YEARS	GC §26202
X 16 ENVIRONMENTAL	PERMANENTLY	Legal and Archival Value
X 17 SPECIAL PROGRAM AREAS X 18 LEGISLATIVE & STATE AGENCIES X 19 LEGAL	TWO (2) YEARS OR No Longer Useful (whichever is longer)	GC §26202
X 90 CLOSED OUT PROJECTS	ELEVEN (11) YEARS after Project Closeout	CCP §337.15

Exhibit "C"
Stanislaus County Purchasing, Fleet Services, Facilities Maintenance Divisions
Retention Schedule

RECORD	DESTROYED AFTER A PERIOD OF:
ACCEPTED BIDS/RFP'S	5 YEARS after completion of the work
UNACCEPTED BIDS ON A BUILDING OR CONSTRUCTION PROJECT MORE THAN TWO YEARS OLD	2 YEARS after bid opening (GC 26202.1)
PURCHASE ORDERS	5 YEARS after completion or termination
REQUISITIONS	3 YEARS after completion or termination
GENERAL CONTRACTS (except construction contracts)	5 YEARS after completion of the work
CONSTRUCTION CONTRACTS AND RELATED DOCUMENTS (DRAWINGS, SUBMITTALS, RFI'S, CHANGE ORDERS, ETC)	11 YEARS after completion of the work
LOCK AND SECURITY SERVICES	The earlier of 5 YEARS after lock is removed /replaced or after building is sold/demolished.
KEY SCHEDULES	Permanent – or until superseded
FLEET VEHICLE RECORDS	5 YEARS after vehicle is sold or destroyed
FLEET VENDOR FILES/RECORDS	5 YEARS after delivery of goods and/or completion of services
VEHICLE ACCIDENT REPORTS (and related documentation)	7 YEARS after accident
SUPPLY AND EQUIPMENT INVENTORIES	5 YEARS after the date of the inventory (GC 24051)
WORK AND SERVICE REQUESTS, INCLUDING THE USE OF THIRD PARTY VENDORS (UNDER \$25,000)	2 YEARS after property or equipment is replaced or destroyed (GC 26202)
ADA SURVEY	Permanent
ADA SELF EVALUATION & TRANSITION PLAN	Permanent
ADA IMPROVEMENTS	Permanent
CIVIL RIGHTS COMPLAINTS	Permanent
BUILDING ASSESSMENTS	AFTER BUILDING IS SOLD OR DEMOLISHED
SAFETY ASSESSMENTS	3 YEARS after the date of the inspection

RECORD	DESTROYED AFTER A PERIOD OF:
FACILITY INSPECTION RECORDS	3 YEARS after completion of work noted in a facility inspection record
HVAC RECORDS	5 YEARS after replacement of the HVAC equipment (8 CCR 5142)
LEASES	5 YEARS after termination of lease