

Response to Grand Jury Report

Report Title: **For the Record: Records Management in Mendocino County Government**

Report Date: March 18, 2016

Response by: Carmel J. Angelo, Chief Executive Officer

Findings

I (we) agree with the findings numbered: **F 1,2,3**

I (we) disagree wholly or partially with the findings numbered: **F 4, 5, 6, 7**

Attach a statement specifying the findings or portions of the findings that are disputed, and include an explanation of the reasons therefor.

Recommendations

Recommendations numbered **R 1** have been implemented.

Attach a statement describing the implement actions.

Recommendations numbered **R 2, 3** have not yet been implemented, but will be implemented in the future.

Attach a statement with the schedule for implementation(s).

Recommendations numbered **R 4** require further analysis.

Attach an explanation, and the scope and parameters of the analyses or studies, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

Recommendations numbered **xxx** will not be implemented because they are not warranted or are not reasonable.

Attach an explanation.

Signature:  Date: 4/21/16

FINDINGS

F1. Most of the County front desk staff of the departments and offices from which records were requested are knowledgeable about the requirements of the CPRA and County policy for responding to in-person public records requests, and uniformly comply with those requirements.

The CEO agrees with this finding. The County has increased employee training on public records to ensure employees are prepared to meet the requirements of the CPRA.

F2. County officials did not comply with requirements by the CPRA to notify the requestors (the Jury) of the need for additional time to respond, even though they could have done so by citing “unusual circumstances.”

The CEO agrees with this finding. One request was a day late. The due date fell on a County holiday and was released the following day. Clarification was made to staff that if public records request due date falls on a weekend or holiday a request must be completed on the business day prior to the weekend or holiday or notify the requester of a 14 day extension citing the appropriate extension under CPRA.

F3. In general, the County is taking an effective approach in its ongoing efforts to improve compliance with the CPRA.

The CEO agrees with this finding. The County has updated its policy regarding public records, implemented the NextRequest public records portal, assigned a public records liaison for each department and increased employee training on public record requests.

F4. The County is not in complete compliance with GC 26200 et seq. in that only five departments or offices have in place authorized records retention schedules. However, it is taking steps to become compliant.

The CEO partially disagrees with this finding. The County has adopted a County Wide Records Management guide that governs the inventory of County records and the development of records retention schedules. This document complies with California Government Code (GC) 26200 et seq. which governs the retention and disposition of records by counties in the state and references several authoritative sources on records management.

F5. The County is placing itself at potential risk in litigation and audits by not systematically destroying obsolete records according to authorized records retention schedules.

The CEO partially disagrees with this finding. This statement implies that by retaining records for longer periods, that the County is exposed to potential litigation or audits. However, as the documents are official records, their availability would not increase exposure to liability; they would be subject to inspection and/or would be required to be made available in the Public Records Act.

F6. The County does not have a storage facility for its inactive records (records not needed for everyday use but which must be retained for legal or other reasons) consistent with industry standards, although it does make use of off-site storage to reduce pressure on office space.

The CEO partially disagrees with this finding. A 'government' industry standard for storage of inactive records would be difficult to determine as it varies dramatically from municipality to municipality. Further, given the geographic size of our county, designating one facility to store all inactive records would not be feasible nor would it be efficient for document retrieval. Further, in 2014, the CEO initiated a document imaging project with the intent to convert paper records to digital media. These efforts will not only make the process of accessing public records more efficient; they will also decrease the need for dedicated physical space to store the records. CEO anticipates expanding the records management and document imaging effort in Fiscal Year 2016-17.

F7. A centralized County records storage facility—a records center—based upon records management industry standards would improve access to inactive records and help ensure their appropriate retention and destruction.

The CEO partially disagrees with this finding. As stated in F6 above, a 'government' industry standard for storage of inactive records would be difficult to determine as it varies dramatically from municipality to municipality. Further, given the geographic size of our county, designating one facility to store all inactive records would not be feasible nor would it be efficient for document retrieval. Further, in 2014, the CEO initiated a document imaging project with the intent to convert paper records to digital media. These efforts will not only make the process of accessing public records more efficient; they will also decrease the need for dedicated physical space to store the records.

RECOMMENDATIONS

R1. The County continues in its current commendable actions to improve compliance with the CPRA. (F1, F3)

This recommendation has been implemented. The County has updated its policy regarding public records, implemented the NextRequest public records portal, assigned a public records liaison for each department and increased employee training on public record requests.

R2. The County review and update its records retention policy and procedures to include requirements that:

- **All departments have up-to-date record retention schedules.**
- **Regular and systematic use of the schedules to destroy obsolete records.**
- **All destruction of records be documented and contain instructions on how that is to be accomplished.**
- **Each department appoint a records retention coordinator having the responsibility for maintenance and use of records retention schedules, and department records storage.**

- **The CEO appoint staff having County-wide centralized responsibility for ensuring compliance with this policy. (F2, F4, F5, F6, F7)**

This recommendation has not yet been implemented, but will be in the future. The CEO anticipates expanding the records management and document imaging effort in Fiscal Year 2016-17.

R3. That the CEO promulgates a general records retention schedule that covers records common to multiple departments and offices. (F4, F5)

This recommendation has not yet been implemented, but will be in the future. The CEO anticipates expanding the records management and document imaging effort in Fiscal Year 2016-17.

R4. That the County explore the feasibility of establishing and operating a County Records Center that follows records management industry standards. (F6, F7)

This recommendation requires further analysis. The CEO anticipates expanding the records management and document imaging effort in Fiscal Year 2016-17. During that time further analysis will be done regarding feasibility of establishing and operating a County Records Center.