

FOR THE RECORD: RECORDS MANAGEMENT IN MENDOCINO COUNTY GOVERNMENT

SUMMARY

The County is taking steps to improve the management of its records, both in terms of response to public records requests and in regard to appropriate retention of its records. The County has implemented a new Internet portal to facilitate responses to records requests and has assigned staff in the Office of the Chief Executive (CEO) to administer the new system and coordinate responses. The County should also take steps to centralize coordination of its records retention practices and should consider establishment of a central records storage facility that meets records management industry standards.

BACKGROUND

This investigation was internally generated by the Grand Jury rather than in response to a complaint by the public. The intent of the investigation was to assess the current state of three aspects of records management by the County: 1) responses to public records requests, 2) retention and destruction of County records, and 3) storage of inactive County records.

METHODOLOGY

The Grand Jury conducted the investigation by interviewing staff from the CEO, examining documents provided by the CEO, and by submitting California Public Records Act (CPRA) requests to various County offices. Jurors visited the front desks of eleven separate offices and requested records without identifying themselves as jurors. See Appendix A for more information on the records requested and the manner in which jurors made the requests. The Jury also made a more

complicated records request of the Office of the CEO via email. The content of the request and the County's response are included in Appendix B. For comparison, the Jury also made a similar request via email to the City of Ukiah. One juror was recused from participation in this investigation.

FACTS AND DISCUSSION

Public Records Requests

As described above, the Grand Jury requested records from eleven County departments and offices.

Of those:

- Seven provided those records immediately or shortly thereafter.
- Two promised to provide the records within a week.
- Two did not provide the records nor did they provide a written justification for not doing so as required by the CPRA.¹
- Two required the requestors to complete a request form identifying themselves as well as the records requested. The CPRA requires requestors to identify themselves only in certain specific cases. Agencies may not require requests be in writing.²
- All of the departments that provided copies of records either charged \$.10 per page, or did not charge either because only one page was requested or because they ascertained the requestor was the owner of the associated property.

Concerning the email records request described earlier, the CEO provided the multiple documents requested by the Jury via email one day late of the 10 calendar day requirement for response.

This was due to the fact that the requested records--most of which concerned County records

¹ GC 6255. See Appendix C for pertinent excerpts from the CPRA.

² See Appendix D, CalAware FAQs.

retention policy and practice--had to be gathered from multiple departments because of the decentralized nature of County records retention (see below for more on this). The County could have informed the requestors that it was extending the time period due to “unusual circumstances” as permitted by the CPRA.³ However, it did not do so. On the other hand, the City of Ukiah—which has consolidated records management responsibilities into the Office of the City Clerk—responded the same day that it received a similar request from the Grand Jury.

In February of 2015, the County initiated a review of its policy and procedures regarding public records requests resulting in the following:⁴

- The County adopted a new policy regarding public records requests on May 9, 2015, that follows closely and complies with the CPRA.⁵
- The purchase of a new website portal to facilitate and track responses to records requests made online and the assignment of 20% of an Analyst II’s worktime to managing the portal implementation and operation.
- Appointment of public records liaisons in each department to coordinate responses to requests.
- Employee training regarding public records requests.
- Provisions permitting a requestor to appeal to the County Counsel when denied access to public records. This provision exceeds the requirements of the CPRA, which limits such appeals to filing suit with the Superior Court.

³ GC 6253

⁴ See Appendix E, Email from CEO to Department Heads, June 10, 2015.

⁵ See Appendix F, County Policy 36.

Records Retention

Best practices in records management require not only systematic retention of records having value for operational or legal use, but also regular and periodic destruction of obsolete records according to official retention schedules to reduce risks relating to use of records in litigation. According to the *Local Government Records Management Guidelines* published by the Office of the Secretary of State, “Effective Records Management ensures that records are kept **only** as long as they have some administrative, fiscal, or legal value,” and “...records retained beyond their value ‘just in case’ only extend the agency’s legal liability in the event of adverse litigation.”⁶ As noted attorney and records management consultant Donald S. Skupsky writes:⁷

When records have been destroyed under an existing records retention program, the organization may have to produce evidence in court or before a government agency to prove the existence of the records retention program and to prove that records were destroyed under the program in the ordinary course of business.

On April 20, 1993, the County Board of Supervisors adopted the document COUNTY OF MENDOCINO RECORDS MANAGEMENT to guide and govern the inventory of County records and the development of records retention schedules, but not the use of the schedules to destroy obsolete records. 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. *However, the document does not appear to have been*

⁶ California Secretary of State, *Local Government Records Management Guidelines*, February 2006, p. 6.

⁷ Donald S. Skupsky, *Legal Issues in Records Retention and Disposition Programs*. Information Requirements Clearing House, 2014.

comprehensively or uniformly implemented by County departments and has not been updated since its adoption.

In short, the County has no systematic program for governing records retention. Of the approximately two dozen County departments and offices, only five appear to have developed and adopted records retention schedules: General Services, Probation, County Counsel, Clerk/Recorder, and the Sheriff. These records retention schedules vary widely in format and content. Moreover, the County does not have an authorized general records retention schedule covering types of records common to multiple departments and offices. Although some departments appear to be destroying obsolete records, that destruction does not appear to be regular and systematic. However, departments that have destroyed records appear to be documenting that destruction in accordance with sound records management practice.

One should note that the County is currently engaged in a project to effectively employ electronic scanning technology to enhance its records management and access. In conjunction with this project, the County plans:

To assess current records management retention policies, as many departments within the County have not adopted formal records retention policies that delineate the retention values specific to the types of records (i.e. Agreements - Forever retention).⁸

⁸ Appendix G.

Records Storage

“Records center” is the term used by records managers for an off-site records storage facility intended to provide secure, easily accessible housing, retrieval, and eventual destruction of inactive records that must be retained even though rarely used, thereby freeing office space. Examples of records storage standards and guidelines for state and local governments can be viewed at the following Internet link: http://www.statearchivists.org/arc/states/res_stor.htm.

The County does not have a single storage facility for obsolete records where records are centrally stored and managed. Records storage is the responsibility of each separate department. The County does maintain at least one off-site storage facility at 501 Low Gap Road where departments are assigned space for records storage. This facility does not follow standards generally accepted by professional archivists and records managers such as illustrated in the Internet link provided above. The facility has both external and internal locks, but it is unclear who has access to both the building in general and to the separate spaces assigned to different departments within. There is no central location control identifying the contents of records containers. Many boxes of records in this facility are labelled with the contents of the container in clear view allowing anyone to identify those contents whether they are authorized to access the records or not. Some containers have labelling that includes destruction dates for the records within—and a number of them are clearly past due for destruction.

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.

- 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.”⁹
- F3. In general, the County is taking an effective approach in its ongoing efforts to improve compliance with the CPRA.
- 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.
- 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.
- 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.
- 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.

⁹ GC 6253.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. The County continues in its current commendable actions to improve compliance with the CPRA. (F1, F3)
- 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)
- R3. That the CEO promulgates a general records retention schedule that covers records common to multiple departments and offices. (F4, F5)
- R4. That the County explore the feasibility of establishing and operating a County Records Center that follows records management industry standards. (F6, F7)

RESPONSES

Pursuant to Penal Code §933.05, responses are required from the following individuals:

County Executive Officer, Mendocino County (All Findings and All Recommendations)

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

Appendix A Records Request Guide

- Inform the counter staff that you are there to make a public records request and tell them what records you wish to inspect.
- Do not identify yourself as a Grand Jury member.
- If asked why you wish to see the records, indicate that you are “just doing some research.”
- If asked to identify yourself, give your name but do not volunteer it.
- If asked to complete a form in order to inspect the records, say that you would prefer not. If then told that you must do so to inspect the records, complete the form and request a photocopy of it.
- If told that the record is available on-line or on a computer in the office, indicate that you wish to inspect hard copy only.
- Select one page and request a copy of it. Note whether there is a charge and how much.
- Be pleasant and give no excuse for the staff member helping you to not comply with your request.
- Be sure and note down all aspects of your experience immediately after you leave the office.

**Appendix B
Public Records Request Results
Department Front Desks**

Department	Records to Request
Auditor-Controller	A-87 charges
Agriculture	Williamson Act policy and implementation plans
Assessor	Orr Springs property file
Clerk-Recorder	Form 700s for BOS, CEO, and members of selected school boards
Planning and Building	Selected property file
Health & Human Services	Recruitment plans for social workers and nurses
CEO	Employment contract; current county org chart
Environmental Health	Vichy Springs dump records
Human Resources	Current org chart; employee compensation
Transportation	Maintenance plan for Orr Springs Road

APPENDIX C

California Public Records Act Excerpts

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

6253.1. (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2) Describe the information technology and physical location in which the records exist.

(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.

(d) This section shall not apply to a request for public records if any of the following applies:

(1) The public agency makes available the requested records pursuant to Section 6253.

(2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.

(3) The public agency makes available an index of its records.

6255. (a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

Top 10 Points to Remember about Making a California Public Records Act Request

1. The agency has the burden of justifying the denial of access.

Perhaps the most fundamental rule in the California Public Records Act (CPRA) is the presumption of public access. Requesters do not have to prove or even state a “need to know” to justify access. On the contrary, the government agency must justify *not* providing the information by citing the law: a statute or a case interpreting a statute. “In other words, all public records are subject to disclosure unless the Legislature has expressly provided to the contrary.” *Williams v. Superior Court*, 5 Cal. 4th 337 (1993) “It’s not our policy” or “We never give that out” is not a legally sufficient response to a public records request, nor is anything else short of citing the law that bars or excuses the agency from providing access.

2. The request need not be in writing.

A written request often has advantages for the requester as well as the agency. Practically, it may be necessary where an oral request has been turned down for what appear to be inadequate or misinformed reasons, or where the kind or number of documents being sought needs detailed description. Legally, a written request sent by e-mail, fax or registered postal mail provably records the date on which certain response deadlines are set, and also entitles the requester to a written response from the agency giving the reasons and legal authority for withholding all or part of the requested records. But, as observed by the California Court of Appeal, “It is clear from the requirements for writings in the same and other provisions of the Act that when the Legislature intended to require a writing, it did so explicitly. The California Public Records Act plainly does not require a written request.” *Los Angeles Times v. Alameda Corridor Transportation Authority*, 88 Cal.App.4th 1381 (2001)

3. The request need not identify the requester.

Likewise, nothing in the law precludes an anonymous request, and the CPRA requires identification (by a signed affirmation or declaration, respectively) only when the requester is seeking information about pesticides (Government Code §6254.2) or seeking the addresses of persons arrested or crime victims (Government Code §6254, subd. (f), par. (3)). Practically, it may be mutually convenient for a requester to provide a name and contact information if the request cannot be fulfilled immediately or if copying will take some time, but the requester’s option is to keep checking back on his or her own initiative. Legally, apart from the two situations noted above, an agency may not insist that the requester be identified.

4. The request need not state the requester’s purpose.

Demanding to know the purpose of the request or the intended use of the information is, again, not something the agency may do, apart from the pesticide and address provisions noted in (2) above. The CPRA states, in Government Code §6257.5: “This chapter does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.”

5. The scope of the request must be reasonably clear.

“Unquestionably, public records must be described clearly enough to permit the agency to determine whether writings of the type described in the request are under its control. (The CPRA) compels an agency to provide a copy of nonexempt records upon a request ‘which reasonably describes an identifiable record, or information produced therefrom . . . ‘ However, the requirement of clarity must be tempered by the reality that a requester, having no access to agency files, may be unable to precisely identify the documents sought. Thus, writings may be described by their content. The agency must then determine whether it has such writings under its control and the applicability of any exemption. An agency is thus obliged to search for records based on criteria set forth in the search request.” *California First Amendment Coalition v. Superior Court*, 67 Cal.App.4th 159 (1998)

6. The agency need not compile lists or write reports.

The rights provided in the law are to “inspect” (look at words, symbols or images; listen to sounds) public records and/or to “obtain a copy” of those records, not to compel the agency to create lists or reports in response to questions. In only one instance is the agency required to generate a record that does not already exist, and that is if the information sought is distributed in computerized form in a database or otherwise and must be assembled in a single record. As provided in Government Code §6253.9, if the agency cannot “produce” or “construct” the record sought without special programming, the requester must pay for that work.

7. The agency must do its best to help the requester succeed.

Government Code Section 6253.1 states:

- (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:
 - “(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
 - “(2) Describe the information technology and physical location in which the records exist.
 - “(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- “(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.”

These assistance requirements do not apply, obviously, if the agency fully grants the request, or denies access based on one of the exemptions in Government Code §6254. Also, if the agency has an index to its records and makes it available, no further help in refining the request is required.

8. Fees are for the costs of copying, not for those of inspection.

As noted by the Attorney General in an opinion concluding that counties may charge a fee “reasonably necessary” to recover wider costs for copying public records—costs beyond the strict “direct cost of duplication”—inspection is free: “In any event, a ‘reasonably necessary’ fee for a copy of a public record would have no effect upon the public’s right of access to and inspection of public records free of charge.” (Opinion No 01-605, November 1, 2002). Moreover, the “direct cost of duplication” that, pursuant to Government Code §6253, subd. (b), may be charged to the requester by agencies other than counties may not include overhead. “The direct cost of duplication is the cost of running the copy machine, and conceivably also the expense of the person operating it. ‘Direct cost’ does not include the ancillary tasks necessarily associated with the retrieval, inspection and handling of the file from which the copy is extracted.” *North County Parents Organization v. Department of Education*, 23 Cal.App.4th 146 (4th Dist. 1994)

9. Prompt access is required for clearly public records.

Delay is allowed only to resolve good faith doubts as to whether all or part of a record is accessible by the public. So, for example, if the requester asks to see the minutes of public meetings, there is no need to make the “determination” as to whether or not they are public, since minutes of public meetings are, without question, public records. That being the case, access is to be provided “promptly,” not put off for 10 days (Government Code §6253, subd. (b)); to underscore this point, subd. (d) states that “Nothing in (the CPRA) shall be construed to permit an agency to delay or obstruct the inspection or copying of public records.” And while the 10-day period is not a legal deadline for producing the records, the date of production should not lag the 10-day (or, if extended with notice to the requester, up to 14 days more) “determination” point by much, because in most if not all cases, *the person making the determination will have already had to assemble and review the records in order to do so*. Once the determination has been made, in other words, actual release of the records in question should not take much time to accomplish.

10. Journalists and other people have the same rights of access.

Journalists’ rights to inspect and copy public records are the same under the CPRA as those of any other person—no worse and, despite the free press guarantees of the state and federal constitutions, no better. “No California or federal judicial decision has ever attributed accessibility to public records upon First Amendment freedoms of speech or press.” *Register Division of Freedom Newspapers v. County of Orange*, 158 Cal.App.3d 893 (1984) And while we often speak of “citizens” having the access rights, one need not be a California resident or even a U.S. citizen to inspect or copy state or local public records. “(W)hen section 6253 declares every person has a right to inspect any public record, when section 6257 commands state and local agencies to make records promptly available to any person on request, and when section 6258 expressly states any person may institute proceedings to enforce the right of inspection, they mean what they say.” *Connell v. Superior Court*, 56 Cal.App.4th 601 (1997)

Appendix E

Sarah Dukett - Public Records Requests

From: Carmel Angelo
To: Department Heads
Date: 6/10/2015 12:48 PM
Subject: Public Records Requests
Attachments: 06-10-15 PRA Dept Head Memo.docx; Policy #36 (Revised 05-19-15).pdf; PRA Procedures (to be at dept counters).pdf

Greetings:

In February, the Board directed the Executive Office to review the topic of Public Record Requests. As a result, a committee was formed and developed several initiatives that will be implemented County wide.

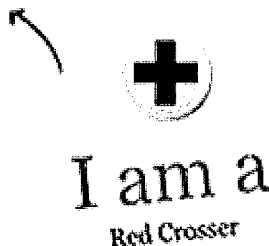
As discussed at the Quarterly Expanded Leadership meeting on June 3, the launch of the Public Record Request informational website was launched on June 8. Furthermore, additional procedural guidelines have been modified and discussed in the attached memo, including the appointment of a department designee that will be the primary contact for the department regarding any Public Record Requests.

Please respond back to Jason Claunch in the Executive Office by Friday June 17 with the name of the assigned department designee. A meeting will follow which will include each of the designees and the Human Resources Department to provide additional training.

Thank you,
Carmel

"It's never crowded on the leading edge." Abraham

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MENDOCINO COUNTY *MEMORANDUM*

Date: June 10, 2015
To: Department Heads
From: Carmel Angelo, Chief Executive Officer
Subject: Revised Public Access to County Records Policy (No. 36) and County Guidelines and Processes Associated with Responding to Public Records Act Requests

Background

On May 19, 2015, the Board of Supervisors adopted a revised Public Access to County Records Policy (No. 36), along with guidelines and processes associated with responding to Public Records Act Requests.

Overview of the Public Records Act Mandates

The definition of "Public Records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975," as defined in Government Code Section 6252. Pursuant to the Government Code, public records are open to inspection at all times during the County's regular business hours. Every person has a right to inspect and copy, upon payment of fees covering direct costs of duplication or a statutory fee if applicable, any records in the possession and custody of any officer of the County of Mendocino, except as specifically prohibited by law.

Any person desiring to inspect or receive a copy shall request an identifiable public record from the County officer having custody thereof. The request shall be specific enough to enable retrieval without a prolonged search. Each County agency shall make reasonable effort to make the records promptly available, upon request. If not immediately available, the County has up to 10 calendar days within which to provide a record. The County can extend the time for up to an additional 14 days. The 14 day extension must be evidenced in writing setting forth the reasons for the delay and the expected date of the determination. If the department determines to deny the request, denial shall be in writing setting forth the explicit reasons for denial of access to the subject record(s). Any person who believes he/she has been unjustifiably denied access to a public record may, within 30 days of such denial, file a written request for review of the denial with County Counsel.

The Committee

In February, at the direction of the Chair, a committee was formed to establish a formal written policy which would affirm the public's right to access public records held by the County and to develop a framework of procedural guidelines for public records requests. The committee set forth with two primary objectives:

- Create more transparency with the public thereby allowing easier access to public records, and
- Create a consistent, efficient and clearly defined process and procedure for County employees to follow when receiving and responding to requests for public records

Committee Outcomes

During the committee's review of the County's current practices associated with Public Records Act requests, it was discovered there were many inconsistencies throughout departments regarding public records request intake, the document collection process, the fee structures associated with public records, and the manner in which the record was delivered back to the requesting party.

In order to address the inconsistencies and to meet their objectives, the committee recommended revisions to the County's formal written policy and developed a framework of procedural guidelines for

public records requests. Further, the committee developed an array of initiatives that will be implemented in the following phases:

Phase I (*Implemented June 8, 2015*):

- Public Record Request Informational Website
 - <http://www.co.mendocino.ca.us/administration/prainstructions.htm>
 - Defines public records; what qualifies as a public record and what does not
 - Provides the public information on how they can request a record
 - Contains links to departments, agendas, minutes, ordinances, etc. for the public to retrieve public information free of charge and without impacting employee workload
 - Tips to expedite their request for public records
- Public Request for Information Form – to be placed online
 - The public will have the option to download and print this form and return to a department representative
- Public Request for Information Form and Procedural Guidelines – for internal use – *Attachment B*
 - The internal form will be the same form that is placed online. However, it is attached to guidelines in which the employee can follow to ensure they are assisting the members of the public to identify records
- Public Records Act Employee Training Program
 - The Executive Office is currently working on a training that will be given to employees and facilitate the development of a train the trainer program and department designees

Phase II (to be considered and implemented within six months):

- Online Availability of County Contracts
 - The Executive Office is currently assessing the ability to provide a mechanism to allow the access to a list of all current contracts within the County
- Standard Copying Fees
 - Policy number 31, Standard Copying Fees, will be reviewed to ensure the County costs are aligned with the associated standard copying fees.

Phase III (to be considered and implemented within 12-18 months and continued into the future):

- Document Imaging
 - The Executive Office is currently working on a County wide document imaging project. This will include an assessment of additional records and documents and the ability to access via the Internet or other resource locations, such as a public access computer workstation located in the Executive Office/Clerk of the Board.

Implementation

Phase I was implemented throughout departments on June 8, 2015 with the launch of the website. Employees need to be made aware of the Public Record Request Informational Website, the Public Request for Information Form, and the Public Request for Information Form and Procedural Guidelines which needs to be placed at the front counter of the departments. The Executive Office will be working in conjunction with Human Resources on a mandatory employee training regarding the Public Records Act and will provide additional information and timelines in the near future. Please contact your department liaison in the Executive Office should you have any questions.

Thank you.

Attachments

- Public Request for Information Form - Found Online
<http://www.co.mendocino.ca.us/administration/prainstructions.htm>
- Public Access to County Records Policy (No. 36) adopted by the Board of Supervisors on September 12, 2000, revised on May 19, 2015
- Public Request for Information Form and Procedural Guidelines – for internal use



MENDOCINO COUNTY *MEMORANDUM*

EXECUTIVE OFFICE

Date: May 19, 2015
To: Honorable Board of Supervisors
From: Janelle Rau, Deputy Chief Executive Officer
Subject: Informational Update and Possible Action Regarding County-Wide Digital Copying, Printer Management, and Document Imaging

Background

In July 2014, the Board of Supervisors approved a contract with Toshiba Business Solutions that included printer management, optical character recognition (OCR)/scanning, and document imaging service solutions.

Further, in June 2013, the Board adopted the 2013-2017 County of Mendocino Capital Improvement Plan (CIP)/Facility Needs Assessment which included a county-wide document imaging project. As reported in the CIP, the County's existing document imaging system is approximately 15 years old. Although the system serves various County department's current document imaging needs, the system lacks the functionality that other departments require (e.g. enhanced indexing and search capability). Additionally, several county departments have acquired other independent document imaging systems, and while these have served the County well, it presents support and cost effectiveness issues (i.e. departmental staff time reduction, space cost reduction, efficiency and operational effectiveness).

The estimated costs included in the CIP were \$1,500,000, but no funding to date has been allocated in the CIP towards this particular project. However, based upon the first phases of the project, the Executive Office is anticipating the total project costs to be significantly lower than originally estimated. More information regarding the fiscal details of the project are described below.

Overview:

The Executive Office began a county-wide digital copying, printer management, and document imaging assessment in early 2014, including the assessment of the County's digital copiers, an inventory of the networked and non-networked printers, compiling information on what other counties utilize for their document imaging needs, the current solutions being utilized in our County, and the available programs to meet our future document imaging needs.

Based on the county-wide assessment, the major benefits associated with the electronic document management program are:

- Reduced exposure to loss of or damage to vital records due to fire/water danger or other natural disasters
- Increased employee efficiency and streamlines and automated processes which reduces costs associated with administering and managing records
- Improve ease of access of information (increased response time to public requests for information, ability to collect all records in one place, etc.)
- Free up vital office and storage space
- Improve security and recoverability of records as it allows for better protection digitally by using firewalls, encryption and other computer security measures

Printer Management

The first phase in the overall project was the replacement and installation of the County's digital copiers, which was completed in October 2014. Additionally, in January 2014, GSA conducted a county-wide analysis of printing and copying activity as a means to obtain information in order to assess the County's future copier and printing needs.

The County has implemented the initial phase of the printer management program and is tracking volume output data from all networked copiers and printers and a contract for printer management (which includes servicing the County's laser printers, automated toner replacement, and toner disposal/recycling). The next phases of this program will include meetings with departments to assess their printer inventory and work to assess printers that are inefficient and costly to operate. This may include surplus printers, redeploying surplus printers to other departments, and the removal of outdated and inefficient equipment (i.e. ink jet printers and fax machines, etc.).

Document Imaging

The County is using DocuWare which is a document management system for professional enterprise content management offered by Toshiba. Document imaging solutions include the ability to electronically store and organize data and files with easy-to-use functions, simple administration and document management. This document imaging solution is appropriate for, but not limited to, a variety of document/record types, such as maps, agreements, letters, records, and drawings.

During the digital imaging phase of the Toshiba project, certain departments were identified with immediate and urgent document imaging solution needs, including the Sheriff's Office and Planning and Building Services (PBS). Both departments had expressed concern with the difficulty of administering and managing their records, including the excessive use of space for storage, records being stored in multiple locations throughout the County making access to them inefficient, no disaster recovery plan should records be exposed to loss. In considering the time frames associated with a county-wide document imaging solution project, Executive Office staff worked with the Sheriff's Office and PBS as priority stakeholders, as they had performed preliminary preparation for the digitization of their records and to assist both departments in reaching their document imaging solution goals, alleviate file storage space issues, and address critical disaster preparedness mandates.

The Executive Office has worked collaboratively with the Sheriff's Department, PBS and Toshiba on identifying the needs of their individual departments, but also strategized on the future document imaging needs of the County and how the project may be managed in phases with the critical and priority needs addressed in the first phase. This partnership has resulted in the acquisition of an enterprise server software solution and indexing system that will be used to meet the Sheriff's and PBS immediate needs, but also to serve as the backbone for the county-wide document imaging solutions in the future.

Project Status

As described above, the Sheriff's Office and PBS has been working with the Executive Office collaboratively to identify their immediate needs and solutions, which includes the following progress to date:

- The Sheriff's Office has initiated the document imaging project, with extra help staff currently utilizing the scanning equipment which has been set up within the former General Services Agency (GSA) warehouse. To date, approximately a few thousand records have been scanned (less than 10% of the Sheriff's Office total records currently identified for the project). This project has the potential to free up approximately 1,000 sq. ft. of storage space within the Sheriff's Office and will make these vital records readily accessible in order to answer and address public requests for

information. Currently, the project includes Coroner records and may expand to other record sets as the project progresses.

- PBS has obtained third party contracted services to convert their records into digital images, including various maps and permitting documents. This third party service will create digitized images of the records, which will then be incorporated into the document imaging software solution. In addition, PBS is in the process of acquiring a wide format scanner and software support services that will assist them with their project goals and future document imaging needs.

A temporary scanning area has been secured at the former GSA/Warehouse in order to accommodate the document imaging and scanning needs of the various departments. This scanning area includes desktop computer work stations, scanners, and houses various files that were planned for incorporation into the document imaging program. This location is being used by the Sheriff’s Office in order to allow the space necessary to efficiently convert the records and to accommodate the needed project infrastructure installation (hardware, software, tables, etc.).

Fiscal overview

To date, the County has expended the following on the project:

<i>Good/Service</i>	<i>Cost</i>	<i>Source of Funding</i>
Docuware Server Enterprise License	\$25,000	Sheriff/General Fund
Docuware Indexing software solution	\$15,000	General Fund/IT Reserve
Docuware software support	\$17,000	PBS/Planning Special Fund
Wide format scanner	\$5,000	PBS/Planning Special Fund
Third party document imaging conversion	\$50,000	PBS/Planning Special Fund
Total Expended to Date:	\$112,000	

The funds expended to date have positioned the County to address the long term document imaging solutions. The following are anticipated expenditures moving forward:

<i>Good/Service</i>	<i>Cost</i>	<i>Source of Funding</i>
Docuware User Enterprise License	\$70,000	PBS/Planning Special Fund
Data storage	\$50,000	IT Reserve / PBS/Planning Special Fund/General Fund or other

Next Steps:

The critical needs of the two departments in the initial phases are being addressed, with the Sheriff’s Office continuing with scanning the various records and making progress on freeing up vital office and storage space. PBS will continue to coordinate their program and project needs, with the third party image conversion and then integrating into the document imaging software solution.

To address the future document imaging solution needs, the Executive Office will be coordinating the formation of a committee comprising County departments. The charge of the committee will be as follows:

- To assess current records management retention policies, as many departments within the County have not adopted formal records retention policies that delineate the retention values specific to the types of records (i.e. Agreements – Forever retention).
- Assess the various independent document imaging systems being used by departments
- identifying current storage and space utilized for records (that can be freed up if converted to digital images)
- Infrastructure needs of the various departments
- Logistical needs associated with the long term scanning project.
- Continued use of the former GSA Warehouse for the long term document imaging needs of the County

The above review will occur in phases, with the Executive Office providing the Board of Supervisors with updates on a quarterly basis as to the progress, as well as presenting the Board with specific recommendations, including proposed records retention policies, etc. The Executive Office will also provide the Board of Supervisors with regular updates on the progress of the county-wide effort via the CEO Report and during the regular Capital Improvement Plan updates.