

202 RECORDS RETENTION

202.1 Purpose

The purpose of this policy is to: 1) provide guidelines to staff regarding the retention or disposal of public records of the District; 2) provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; 3) ensure prompt and accurate retrieval of records; and 4) ensure compliance with legal and regulatory requirements. This section also provides the District's intent as to document management, storage, and backup.

The District's records management system is designed to apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of District records with the goal of ensuring that records are kept only as long as they have some administrative, fiscal, historic, or legal value to the District. Records of the District should not be retained "just in case" if they have no administrative, fiscal, historic, or legal utility to the District. When records of the District no longer fulfill the value for which they were created, they should be destroyed unless they also have some historic or research significance. If that is the case, the records should be preserved by an appropriate historical agency.

202.2 Scope of Retention Policy

This policy shall apply to all public records of the District. "Public Records" are defined as any writing containing information relating to conduct of the public's business prepared, owned, used, or retained by the District in the course of its business, regardless of physical form or characteristics. Therefore, Public Records include any handwriting, typewriting, printing, facsimiles, photographs, photocopies, electronic mail, film, audio tape, and any other means of recording containing information including words, pictures, sounds, symbols, or combinations thereof. A listing of records deemed to be official by the District is contained in Appendix 200-B—Categories of District Records and Record Retention Schedule.

202.3 Authorization

The General Manager is authorized by the Board of Directors to interpret and implement this policy, including but not limited to determining which Public Records should be included in each category of records under this policy; appraising the utility to the District of various categories of Public Records; identifying vital and/or confidential records; and establishing reasonable retention periods for various categories of Public Records.

202.4 Records Retention Schedule Principles

Pursuant to the provisions of California Government Code Sections 60200 through 60203, California Government Code § 61061(c), and the Local Government Records Management Guidelines prepared by the Secretary of State, the following principles will govern the retention, management and disposal of Public Records of the District.

A. Inventory of Records

The General Manager shall cause a records inventory of the District's records to be conducted. The inventory shall describe the type of records, volume of each type of records, where the records are kept, and how the records are used. The following information should be obtained during any inventory of District records:

1. Prepare a list of categories of records with each category consisting of a group of similar records kept together as a unit either because they deal with a particular subject (budget, personnel, etc.) or result from the same activity (property assessments, utility bills, etc.) or have a special form (maps, blueprints, etc.);
2. Determine the period of years covered by each category of records;
3. Determine the activity level for each category of records in order to determine whether the records need to be stored in the office or at a remote location; and
4. Note the volume of records in each category. The list of categories of records utilized by the District is attached hereto as Appendix 200-B—Categories of District Records and Record Retention Schedule.

B. Appraisal of Utility of Records

After completion of the records inventory, each category of records shall be appraised for their utility and value to the District. The records appraisal will:

1. identify vital records that are permanent and may not be destroyed or disposed of pursuant to law;
2. identify records with historic and/or research value;
3. identify records that can be destroyed immediately because they have no administrative, fiscal, historic or legal utility to the District; and
4. identify records that should be transferred to low-cost storage.

C. Establishment of Retention Period

Establish reasonable retention periods for each category of records based upon the immediate and future usefulness of each category of records to the District. Retention periods should be assigned to records based on the principle that records should be retained only as long as they serve the immediate administrative, fiscal, historic and/or legal purpose for which they were created, and that such categories of records should be disposed of when they no longer serve such purposes. The Records Retention Schedule listing the Categories of District Records and the retention periods assigned to each such Category of District Records is attached hereto as Appendix 200-B—Categories of District Records and Record Retention Schedule.

D. Disposal of Records

The General Manager shall ensure that records are disposed of as soon as possible after fulfilling their respective administrative, fiscal, historic or legal function in accordance with the retention period for each Category of Records specified in the District's Record Retention Schedule. Such disposition of records shall occur periodically at the discretion of the General Manager. Disposition may include recycling or destroying unneeded records, or sending appropriate records of historical or research value to an archival facility.

The District's Record Retention Schedule, consisting of the Categories of Records and the retention periods assigned to each Category of Records, is attached hereto as Appendix 200-B—Categories of District Records and Record Retention Schedule. The Records Retention Schedule shall be periodically evaluated by the General Manager.

202.5 Permanent Records

Pursuant to the provisions of Government Code Section 60201, the District may not destroy or dispose of any record that is any of the following:

- A. Any document relating to formation, change of organization, including annexations and/or detachments, or reorganization of the District;
- B. An ordinance adopted by the District. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of five (5) years after it was repealed or became invalid or unenforceable;
- C. Minutes of any meeting of the Board of Directors of District;
- D. Any record relating to any pending claim or litigation, including any settlement, judgment, arbitration award or other disposition of litigation within the past two (2) years;

- E. Any record which is the subject of any pending Public Records Act request made pursuant to the California Public Records Act at Government Code § 6250 et seq., until either: 1) request for production has been granted; or 2) two years have elapsed since the District provided written notice to the requester that his or her request has been denied;
- F. Any record relating to any pending construction that the District has not accepted, or as to which a stop notice claim legally may be presented;
- G. Any document relating to any non-discharged debt of the District;
- H. Any document relating to the title for real property in which the District may have an interest, including but not limited to deeds, easements, right of entry agreements and leases;
- I. Any document relating to any non-discharged contract to which the District is a party;
- J. Any document that constitutes an unaccepted bid or proposal for the construction of installation of any building, structure or public work which is less than two years old;
- K. Any document which specifies the following:
 - 1. The amount of compensation paid to District employees, or members of the Board of Directors or independent contractors providing personal and professional services to the District;
 - 2. Relates to expense reimbursement to District employees or members of the Board of Directors, or to the use of District paid credit cards, or to any travel compensation mechanism utilized by the District;
 - 3. Notwithstanding the foregoing, Government Code § 60201 provides that any record described in Paragraphs (1) and (2) above may be destroyed or disposed of no earlier than seven (7) years after the date of payment to which the record relates.