

BOARD OF DIRECTORS MEETING

October 8, 2020

ITEM 2

PROPOSED CHANGES TO RECORDS RETENTION POLICY 1055 AND BOARD MEETING POLICY 4140 TO PROVIDE THAT RECORDINGS OF BOARD MEETINGS BE RETAINED AS PERMANENT RECORDS AND THAT BOARD MINUTES INDICATE THE TIME DURING WHICH AGENDA ITEMS ARE HEARD BY THE BOARD

SUMMARY OF RECOMMENDATION

Consider directing staff to prepare an amendment to KPPCSD Policy 1055, Records Management, and 4140, Board Meetings, to delete the provision allowing for destruction of recording tapes (or other media) of Board meetings for a period of five years from the date of the recorded meeting (Section 1055.5), and adding them to the list of “vital and permanent records” (Section 1055.2). The amended policy should also provide that minutes of Board meetings indicate the time during which agenda items are heard to more easily access and review recordings of meetings.

BACKGROUND

Current Board policies allow for the destruction of audio and/or video recordings of Board meeting minutes after a period of five years. In particular, Board policy 4140.1.3 states:

4140.1.3 In addition to the written minutes, whenever possible, an audio recording and/or video recording will be made of each special or regular meeting and posted to the District website for a period of no less than sixty (60) months.

The Records Retention Policy 1055.5 allows for the destruction of audio/video recordings, providing as follows:

1055.5 Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may, upon the General Manager’s authorization, be destroyed if they are micro-filmed as provided in Policy 1055.4.4, above. Recording tapes (or other media) of Board meetings will be kept for a period of five years from the date of the recorded meeting, after which they will be destroyed (emphasis added).

Records Retention Policy 1055.2 also lists the records that are “vital and permanent” and that shall not be destroyed, and recorded media is not listed in this section.

The current video recording of meetings can, in combination with the written summary minutes prepared by the District Secretary, provide a complete history of the discussions and actions taken by the Board of Directors at their public meetings. What can make this combination particularly useful is to include a time notation for when specific agenda items are discussed so that the discussion can be readily accessed and reviewed on recorded media. To effectively implement this administrative policy requires that both the written minutes and the recorded media be listed as “vital and permanent” records of the District.

Because data storage for media has become relatively inexpensive and compact, the permanent storage of such recorded media should not be a cost burden to the District.

RECOMMENDATION

Direct staff to prepare an amendment to KPPCSD Policy 1055, Records Management, and 4140, Board Meetings, to delete the provision allowing for destruction of recording tapes (or other media) of Board meetings for a period of five years from the date of the recorded meeting (Section 1055.5), and adding them to the list of “vital and permanent records” (Section 1055.2). The amended policy should also provide that minutes of Board meetings indicate the time during which agenda items are heard to more easily access and review recordings of meetings.

FISCAL IMPACT

The cost for the proposed change in the records retention policy will be minimal.

ATTACHMENTS

- Policy 4140, Board Meetings
- Policy 1055, Records Retention

SUBMITTED BY:

Bill Lindsay
General Manager

BOARD MEETINGS

POLICY 4100: Board Actions and Decisions

4100.1 Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business.

4100.1.1 A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.

4100.1.1.1 Example. If three of five Directors are present at a meeting, a quorum exists, and business can be conducted unless the abstention is due to a conflict of interest. However, if one Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

4100.1.1.2 Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

4100.1.1.3 Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

4100.2 The Board may give directions that are not formal actions and do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.

4100.2.1 The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

4100.2.2 A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).

4100.2.3 Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.

4100.2.4 Nothing in this policy prevents the Board from providing direction to the General Manager in response to public comments or under Board member or General Manager comments, as allowed under the Brown Act. No vote or action shall be taken.

POLICY 4110: Board Meeting Agenda - General

4110.1 Agenda preparation. The General Manager, in coordination with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager and request an

item to be placed on the agenda 2 weeks prior to the closing of the agenda for the next meeting date, providing a staff report by said date. Items submitted after the deadline shall be evaluated and considered by the Board President and General Manager.

4110.2 Agenda items. If the General Manager decides an item is not germane to the current work of the Board, two collaborating Directors may place an item on the next regular meeting agenda by written request. However, the General Manager shall have the discretion to allocate District resources to said item as practicable given the Board's then-current priorities.

4110.3 Agenda descriptions. All Board agendas shall include an unambiguous description of each item on the agenda to be discussed, including closed session items, discussion items and action items. The General Manager shall ensure that the description gives notice to the public of the essential nature of business to be considered.

4110.4 Agenda posting. Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting. The posting must occur in a place that is freely accessible to the public and on the District's website. On or before January 1, 2019, the internet posting shall occur on the District's primary website homepage through a prominent, direct link to the current agenda. The agenda shall also be accessible in an open format by that date.

4110.5 Agenda packages. When distributing agenda packages and other materials to members of the Board of Directors, those materials should be provided to all members at the same time. Agenda packages, except for closed session materials, should also be made available to the public once distributed to the Board.

4110.5.1 The agenda package is not a public forum. District staff should include in the package only materials relevant to items on the Board agenda.

4110.6.1 At each regular meeting the Board shall provide the public with an opportunity for up to twenty (20) minutes to address any item within the subject matter jurisdiction of the District not on the agenda and before each the agenda. Each person shall have up to three (3) minutes and no person may speak more than once during a public comment period. Every regular meeting agenda shall include this opportunity as part of the meeting.

4110.6.2 For special meetings, the Board shall provide the public with an opportunity of up to twenty (20) minutes to address any item on the agenda. Each person shall have up to three (3) minutes.

4110.7 Closed sessions. The Brown Act allows the Board to conduct a closed session during a noticed meeting for certain matters. Major reasons for permissible closed sessions, as authorized by the Brown Act, include real property transactions, labor negotiations, and pending litigation. The Board shall allow public comment on any closed session item before going into closed session.

4110.8 Items not on the agenda. The Board shall not discuss or take action on any item that does not appear on the posted agenda except in cases of permitted by the Brown Act, including,

without limitation, in case of emergency or urgent need for action. The Board may also briefly respond to public comments, direct staff to follow-up on matters that arise during public comments and make announcements.

4110.9 The Board President and General Manager (or designee) shall ensure that physical facilities and related equipment for said meetings are functional and appropriate.

4110.10 The Board President shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.

POLICY 4120: Board Meeting Conduct

4120.1 Rules of order. Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Policy No. 4160, "Rules of Order for Board and Committee Meetings," shall be used as a general guideline for meeting protocol.

4120.2 Agenda timing. All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

4120.3 Conduct of meetings. The following concepts shall be applied to Board meetings:

4120.3.1 The meetings shall be conducted in an open and fair manner.

4120.3.2 The public shall be given ample opportunity to participate in the meetings, as set forth in section 4120.4 of this Policy.

4120.3.3 Due process principles shall apply to quasi-judicial proceedings, or as otherwise required by law.

4120.3.4 The meetings shall proceed in a manner that enables the Board to consider problems to be solved and make wise decisions intended to solve the problems.

4120.3.5 The Board may receive, consider and take any needed action with respect to reports of District operations.

4120.3.6 Noticed public hearings shall be conducted in an orderly fashion, with the Board President establishing the order of the proceedings.

4120.3.7 The Board may weigh and determine the credibility of evidence and public comment.

4120.4 Public comment. Public comment on items on the agenda, and general public comment at a regular Board meeting for matters within the jurisdiction of the Board of Directors, shall be as followed:

4120.4.1 Each member of the public present at a meeting shall be allowed to speak once in connection with each item on the agenda for that meeting. Speakers are not allowed to give or allot their time to another speaker. Time reading statements from others, will be considered towards the speaker's three-minute allotment.

4120.4.2 Members of the public should address the Board. Speakers should refrain from beginning their remarks until they are at the podium, able to use any provided amplification and are recognized by the Board President.

4120.4.3 Each speaker shall be allotted a maximum of three (3) minutes per item and may speak only once on during a public comment session. Each subject matter shall be allotted a maximum of twenty (20) minutes for comment. These are general guidelines. The Board President may shorten the time for each speaker to accommodate an unusual number of persons wishing to speak and/or may extend the allotted time per subject where the subject matter requires.

4120.4.4 The Board President cannot refuse to recognize members of the Board, or the public, whose behavior is within the standards of conduct and when time allows.

4120.5 Disruption of meetings. Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is willful disruption of any meeting of the Board, he/she may do the following:

4120.5.1 Notify the disrupting parties to immediately stop the conduct and that they will be asked to leave the meeting if the behavior continues.

4120.5.2 If the behavior continues after notice, order the disrupting parties out of the room and conduct the Board's business without them present.

4120.5.3 In cases of extreme disruption, the Board President may clear the room of all members of the public and conduct the Board's business without them present.

4120.5.4 Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, shall be permitted to remain in the meeting.

POLICY 4130: Brown Act Compliance – Open Meeting Requirements

4130.1 The Brown Act. The Legislature adopted the Brown Act, commonly referred to as California's "Open Meetings Laws" in 1964. The Brown Act is contained in Government Code section 54950 et seq. The Brown Act is broadly construed, and compliance is constitutionally mandated. This Policy 4130 is intended to facilitate compliance with the Brown Act. It is not a complete listing of Brown Act requirements. In the event of a conflict between this Policy and the Brown Act, the latter shall prevail. In the event of an amendment or addition to the Brown Act that conflicts with this Policy, this Policy shall be deemed amended to conform with said amended or addition.

4130.2 All meetings of the Board of Directors shall comply with the Brown Act. The Brown Act mandates advance notice of meetings on a published agenda (see Policy 4110), opportunities for public comment (see Policy 4120.4) and preparation of minutes memorializing the meeting (see Policy 4140). There is no obligation of the District to apply the Brown Act to meetings not covered by this Act. There is also no obligation of the District to exceed any requirements of the Brown Act.

4130.2.1 Meetings occur whenever the majority of the Board of Directors meets to discuss District business.

4130.2.2 Members of the Board include newly elected and appointed officials prior to assuming office.

4130.2.3 All Board meetings shall be open and freely accessible to the public, including those with disabilities.

4130.2.4 Meetings through the use of intermediaries, serial communications, or emails are prohibited.

4130.2.5 The Board shall only take action during a properly noticed meeting.

4130.3 Committees. Standing committees created by formal action of the Board shall comply with the Brown Act

POLICY 4140: Minutes of Board Meetings

4140.1 Duty to keep minutes. The General Manager (or his or her designee) shall keep minutes of all regular and special meetings of the Board.

4140.2 The General Manager shall ensure that accurate Minutes of each Board meeting are prepared, maintained and stored in accordance with state law.

4140.3 The minutes, presented in action format, shall include sufficient detail to record all direction and actions of the Board of Directors. See 4140.1.5

4140.1.1 Copies of a meeting's minutes shall be distributed to Directors as part of an information packet for a regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be properly saved and protected, and posted on the District's webpage.

4140.1.2 An audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept in a locked cabinet for a minimum of ninety (90) days or until the minutes are approved by the Board. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.

4140.1.3 In addition to the written minutes, whenever possible, an audio recording and/or video recording will be made of each special or regular meeting and posted to the District website for a period of no less than sixty (60) months.

4140.1.3 Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed. The motion makers, and individual votes will be recorded. A unanimous vote shall be recorded as a vote in favor by each member.

4140.1.4 All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year.

4140.1.5 In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

- * Date, place and type of each meeting;
- * Directors present and absent by name;
- * Administrative staff present by name;
- * Call to order;
- * Time and name of late arriving Directors;
- * Time and name of early departing Directors;
- * Names of Directors absent during any agenda item upon which action was taken;
- * Summary record of Any staff reports;
- * Summary record of public comment regarding matters not on the agenda, including names of commentators if provided;
- * Approval of the minutes or modified minutes of preceding meetings;
- * Approval of financial reports
- * Information as to each subject of the Board's deliberation;
- * Record of the vote of each Director on every action item for which the vote was not unanimous;
- * Summary record of Board member comments on resolutions, ordinances, and contracts.
- * Resolutions and ordinances described as to their substantive content and sequential numbering;
- * Record of all contracts and agreements, and their amendment, approved by the Board;
- * Approval of the annual budget;
- * Approval of all polices, rules and/or regulations;
- * Approval of all dispositions of District assets;
- * Approval of all purchases of District assets; and,
- * Time of meeting's adjournment.

POLICY 4150: Review of Administrative Board Decisions

4150.1 Code of Civil Procedure § 1094.6. The provisions of California Code of Civil Procedure §1094.6 shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of §1094.5 of said code. The provisions of §1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

4150.1.1 In accordance with §1094.6, the time to seek judicial relief shall be 90 days following the date in which the Board's decision becomes final.

4150.1.2 No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first raised that issue before the Board and provided the Board with an opportunity to address the issue.

4150.1.3 No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first exhausted all available administrative remedies made available by the District.

4150.2 Applicability. This policy affects those administrative decisions rendered by the Board of Directors following a proceeding at which notice and an opportunity to be heard has been provided.

4150.3 Purpose. The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

4150.4 Claims. Nothing in this policy shall be deemed to waive the claims filing requirements of the District when damages are being sought.

POLICY 4160: Rules of Order for Conduct of Board and Committee Meetings

4160.1 General:

4160.1.1 The Board and Board Committees will consider action items by motion in accordance with this Policy, which the Board President and Committee Chair should apply with flexibility. In the event that a Board or committee member raises a point of order that is not addressed by that this Policy or elsewhere in this Manual, the Board President or Committee Chair should consult with the General Counsel and Rosenberg's Rules of Order for guidance, a copy of which is in Appendix ---.

4160.1.1.1 If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

4160.2 Obtaining the Floor:

4160.2.1 Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

4160.3 Motions:

4160.3.1 Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

4160.3.1.1 A Director makes a motion; another Director seconds the motion; and the President states the motion.

4160.3.2 Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

4160.3.2.1 If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

4160.4 Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

4160.4.1 Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

4160.4.2 Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

4160.4.3 Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

4160.4.4 Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

4160.4.5 Motion to Close Debate and Vote Immediately. As provided above, any Director may move to close debate and immediately vote on a main motion.

4160.4.6 Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

4160.5 Decorum:

4160.5.1 The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings.

4160.5.2 The President may also declare a short recess during any meeting.

4160.6 Time Limit for Board Meetings:

4160.6.1 All meetings of the Board of Directors must be adjourned by 10:00 pm. Meetings can be extended by a four-fifths vote of the Board, or if less than four-fifths of the Directors is present, a unanimous vote of those Directors that are present.

4160.6.2 If the meeting is still in session at 9:45 pm, the Board President (or whoever is chairing the meeting) shall stop the progress of the meeting and suggest which of the remaining items on the agenda will be addressed in the remaining fifteen minutes of said meeting. As an alternative,

the Board President will entertain a motion to consider whether to extend the meeting as described in Policy 4160.6.1.

4160.6 Amendment of Rules of Order:

4160.6.1 By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.

POLICY 4170: Types of Board Meetings

4170.1 Regular meetings. The purpose of meetings is to conduct the business of the District requiring action by the Board of Directors. Regular meetings of the Board of Directors shall be held on the second and fourth Thursday of each calendar month (except November and December meetings occur only on the second Thursday) at 7:30 PM in the Community Center, 59 Arlington Avenue in Kensington, CA or if the Community Center is unavailable, at a temporary location within Kensington, if possible. The date, time and place of regular Board meetings may be reconsidered as the Board may determine due to a change in District needs and circumstances.

4170.1.1 The Board may choose to reschedule meetings at any time, for any time and location, with a majority vote to accommodate special circumstances that may arise between regular meetings. Any meeting can be cancelled by the General Manager in consultation with the Board President. For example, if no action, no motion, or no direction is required of the Board, there would not be a need to hold a meeting and the meeting can be cancelled. There shall be at least twelve (12) meetings per year.

4170.1.2 The General Manager may also reschedule meetings after consulting with the Board President, or if unavailable, the Vice-President to accommodate special circumstances that may arise between regular meetings.

4170.2 Special meetings (non-emergency). Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board.

4170.2.1 All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Notice of the meeting shall be in writing, received by them at least 24 hours prior to the meeting.

4170.2.2 An agenda shall be prepared and posted at least 24 hours before the meeting, as specified in Policies [4110](#) and [4130](#) and shall be delivered with the notice of the special meeting to the Board of Directors.

4170.2.3 Notice of the meeting shall be provided to any local newspaper or any other media outlet that has requested to receive notices of meetings (consistent with the Brown Act) by serving a copy of the agenda at least 24 hours before the meeting.

4170.2.4 Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

4170.3 Emergency Meetings. In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice requirement. An emergency situation means a crippling disaster that severely impairs public health, safety, or both, as determined by the General Manager after consulting with the Board President, or in their absence, the Vice-President.

4170.3.1 When possible, notice shall be provided to the local newspaper, any other media outlet by telephone at least one hour before the meeting.

4170.3.2 Actions taken during an emergency meeting shall be by roll call vote.

4170.3.3 The Board may meet in closed session if agreed to by 2/3 vote of the members present, or if less than 2/3 present, by unanimous vote.

4170.3.4 Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be notified of the meeting, and actions taken must be posted for ten (10) days in the District office.

4170.3.5 Workshops. The Board President may schedule a workshop to discuss the status of projects and any items of general information. If no actions or direction is given by the Board of Directors at the workshop no minutes will be prepared. Minutes must be taken at any workshop where priorities are discussed, where votes are taken, or where direction is given to staff.

4170.4 Adjourned Meetings. A majority vote of the quorum of the Board of Directors may adjourn any Board meeting at any place in the agenda to a time and place specified in the order of adjournment, except that if no quorum is present or no Directors are present at any regular or adjourned regular meeting, the Board president or General Manager may declare the meeting adjourned to a stated time and place. Notice of the adjourned meeting shall be posted on or near the door of the meeting within 24 hours after the adjournment and the adjourned meeting shall be noticed in the same manner as a special meeting.

4170.5 Annual Workshop. The Board of Directors shall hold an annual organizational and goal setting workshop.

4170.6 Annual Elections. The Board will elect a President and Vice President among its members at the regular December meeting or the first meeting following certification of an election. The President and Vice President serve during the coming calendar year from January 1st to December 31st.

POLICY 1055: Records Management

To be useful, District records must be available at the right time, in the right place and to the right person or persons. This means that the records must be well organized and accessible. All records shall be maintained in accordance with federal, state and local laws, contract requirements and commonsense business practices.

1055.1 This policy has the following goals:

- Provide certainty that no record is destroyed prematurely, and that valuable and legally required records are retained in compliance with legal retention requirements and with standard organizational practices for the retention and destruction of records
- Enable authorized employees to destroy with confidence records no longer of value
- Provide faster and more efficient retrieval of files as a result of the elimination of obsolete records and better organization of retained records
- Improve productivity through faster access to information

1055.2 Vital and important records, regardless of recording media, are those having on-going legal, financial, operational, or historical value to the District. As provided by state law, the District shall retain and not destroy records of the following unless otherwise specifically allowed by this Policy:

- Formation, change of organization, or reorganization of the district.
- A District ordinance adopted by the district. However, if the District Board has repealed an ordinance or the ordinance is otherwise invalid or unenforceable, it may be destroyed or disposed of pursuant to this section five years after it was repealed or became invalid or unenforceable.
- Minutes of any the District Board meeting.
Any pending claim or litigation or any settlement or other disposition of any claim or litigation within the past two years.
- Documents responsive to any pending request made pursuant to the California Public Records Act (Chapter 3.5 of the California Government Code (commencing with Section 6250) of Division 7 of Title 1), whether or not the District maintains that the record is exempt from disclosure, until the request has been granted or two years have elapsed since the district provided written notice to the requester that the request has been denied.
- Any pending construction that the District has not accepted or as to which a stop notice claim legally may be presented.
- Any non-discharged debt of the District.
- Title to real property in which the District has an interest.
- Any non-discharged contract to which the District is a party.
- Has not fulfilled the administrative, fiscal, or legal purpose for which it was created or received.
- Is an unaccepted bid or proposal, which is less than two years old, for the construction or installation of any building, structure, or other public work.

- Specifies the amount of compensation paid to district employees or officers or to independent contractors providing personal or professional services to the District, or relates to expense reimbursement to district officers or employees or to the use of district paid credit cards or any travel compensation mechanism. However, a record described in this paragraph may be destroyed or disposed of pursuant to this section seven years after the date of payment.

Appendix A provides a definition of terms and Appendix B sets forth a Records Retention Schedule.

1055.3 The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below, after consultation with the General Counsel. The General Manager is also responsible for ensuring all records are safely maintained, accessible and adequately controlled by District staff.

1055.3.1 District records should be maintained at the District offices or such other premises as may be controlled by the District or a records storage facility under contract to the District. The District shall maintain indices of any records located off-site to enable their easy retrieval.

1055.4 Pursuant to the provisions of Government Code §§ 60200 through 60203, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the District.

1055.4.1 Duplicate records, papers and documents may be destroyed at any time without Board authorization, advice of the General Counsel, or copying to photographic or electronic media.

1055.4.2 Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media except for permanent records of the District as defined in this Policy.

1055.4.3 In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

1055.4.4 Records, papers or documents which are not expressly required by State law to be filed and preserved, including records listed in Section 1055.2 of this Policy, may be destroyed if all of the following conditions are met:

1055.4.4.1 The record, paper or document is preserved by photograph, microphotograph, electronically recorded video image on magnetic surfaces, recording in the electronic data processing system, recording on optical disk, reproduction on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document in compliance with Section 12168.7 of the California Government Code for recording of permanent records or non-records.

1055.4.4.2 The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; that does not permit additions, deletions, or changes to the original document images; and satisfies the requirements of Section 12168.7 of the California Government Code.

1055.4.4.3 The photographs, micro-photographs, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

1055.4.5 Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

1055.4.5.1 There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

1055.4.5.2 There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

1055.4.5.3 Said audit report or reports were prepared pursuant to procedures outlined in Government Code section 26909 and other State or Federal audit requirements, and that;

1055.4.5.4 Said audit or audits contain the expression of an unqualified opinion.

1055.4.6 Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction five years from the end of the fiscal period to which it applies. The following may be destroyed at any time without Board authorization or consultation with the General Counsel:

1055.4.6.1 Duplicated (original-subject to the aforementioned requirements).

1055.4.6.2 Rough drafts, notes or working papers (except audit).

1055.4.6.3 Cards, listings, nonpermanent indices, other papers used for controlling work or transitory files.

1055.4.7 All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed after seven years' retention, provided said records have been microfilmed and qualify for destruction section under 1055.4.4, above. Payroll and personnel records include the following:

1055.4.7.1 Accident reports, injury claims and settlements.

1055.4.7.2 Medical histories.

1055.4.7.3 Injury frequency charts.

1055.4.7.4 Applications, changes and terminations of employees.

1055.4.7.5 Insurance records of employees.

1055.4.7.6 Time cards.

1055.4.7.7 Classification specifications (job descriptions).

1055.4.7.8 Performance evaluation forms.

1055.4.7.9 Earning records and summaries.

1055.4.7.10 Retirements.

1055.4.8 Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if microfilmed as provided for in section 3090.4.4. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than 10 years if micro-filmed as provided for in Policy 1055.4.4, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for 10 years.

1055.5 Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may, upon the General Manager's authorization, be destroyed if they are micro-filmed as provided in Policy 1055.4.4, above. Recording tapes (or other media) of Board meetings will be kept for a period of five years from the date of the recorded meeting, after which they will be destroyed.

1055.5.1 Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant, and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

1055.5.2 Contracts should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work that is more than two years old may be destroyed.

1055.5.3 Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

Appendix A

Definitions for Records Retention and Disposal Policy

1. AUTHORIZATION. Approval from the General Manager, as authorized by the District's Board of Directors.
2. ACCOUNTING RECORDS. Include but are not limited to the following:
 - a. SOURCE DOCUMENTS
 - (1) Invoices
 - (2) Warrants
 - (3) Requisitions/Purchase Orders (attached to invoices)
 - (4) Cash Receipts
 - (5) Claims (attached to warrants in place of invoices)
 - (6) Bank Statements
 - (7) Bank Deposits
 - (8) Checks
 - (9) Bills
 - (10) Various accounting authorizations taken from Board minutes, resolutions or con-tracts
 - b. JOURNALS
 - (1) Cash Receipts
 - (2) Accounts Receivable or Payable Register
 - (3) Check or Warrant (payables)
 - (4) General Journal
 - (5) Payroll Journal
 - c. LEDGERS
 - (1) Expenditure
 - (2) Revenue
 - (3) Accounts Payable or Receivable Ledger
 - (4) Construction
 - (5) General Ledger

- (6) Assets/Depreciation
 - d. TRIAL BALANCE
 - e. STATEMENTS (Interim or Certified - Individual or All Fund)
 - (1) Balance Sheet
 - (2) Analysis of Changes in Available Fund Balance
 - (3) Cash Receipts and Disbursements
 - (4) Inventory of Fixed Assets (Purchasing)
 - f. JOURNAL ENTRIES
 - g. PAYROLL and PERSONNEL RECORDS include but are not limited to the following:
 - (1) Accident reports, injury claims and settlements
 - (2) Applications, changes or terminations of employees
 - (3) Earnings records and summaries
 - (4) Fidelity Bonds
 - (5) Garnishments
 - (6) Insurance records of employees
 - (7) Job Descriptions
 - (8) Medical Histories
 - (9) Retirements
 - (10) Time Cards
 - h. OTHER
 - (1) Inventory Records (Purchasing)
 - (2) Capital Asset Records (Purchasing)
 - (3) Depreciation Schedule
 - (4) Cost Accounting Records
3. LIFE. The inclusive or operational or valid dates of a document.
4. PERMANENT RECORD. Any record that the District is required to maintain permanently by state or federal law.

5. RECORD. Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.
6. RECORD COPY. The District copy of a document or file.
7. RECORD SERIES. A group of records, generally filed together, and having the same reference and retention value.
8. RECORDS CENTER. The site selected for storage of inactive records.
9. RECORDS DISPOSAL. The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.
10. RECORDS RETENTION SCHEDULE. The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.
11. RETENTION CODE. Abbreviation of retention action that appears on the retention schedule.
12. VITAL RECORDS. Records which, because of the information they contain, are essential to one or all of the following:
 - a. The resumption and/or continuation of operations;
 - b. The recreation of legal and financial status of the District, in case of a disaster;
 - c. The fulfillment of obligations to bondholders, customers, and employees.

Vital records include but are not limited to the following [detail the records structure of the District, stating the retention time for each class of records. Those times can be drawn from the recommendations of the Secretary of State (<http://archives.cdn.sos.ca.gov/local-gov-program/pdf/records-management-8.pdf>) or developed with the advice of legal counsel, as there are many laws governing records retention]:

- (1) Agreements
- (2) Annexations and detachments
- (3) As-built drawings
- (4) Audits
- (5) Contract drawings
- (6) Customer statements

- (7) Deeds
- (8) Depreciation schedule
- (9) Disposal of surplus & excess property
- (10) Disposal of scrap materials
- (11) District insurance records
- (12) District water rights
- (13) Employee accident reports, injury claims & settlements
- (14) Employee earning records
- (15) Employee fidelity bonds
- (16) Employee insurance records
- (17) Encroachment permits (by others)
- (18) Encroachment permits (by OWID)
- (19) Facility improvement plans
- (20) Improvement districts
- (21) Individual water rights
- (22) Individual claims/settlements
- (23) Inventory
- (24) Journal vouchers
- (25) Ledgers
- (26) Licenses & permits (to operate)
- (27) Loans & grants
- (28) Maps
- (29) Minutes of Board meetings
- (30) Payroll register
- (31) Policies, Rules & Regulations
- (32) Purchase orders & requisitions
- (33) Restricted materials permit
- (34) Rights of ways & easements

(35) Spray permits

(36) Statements of Economic Interest

Appendix B

Records Retention & Storage Summary

Group No.	Title or Description	Original	Duplicate	Retention Periods		
				Office	Record Center	Retain or Destroy
1	Records affecting title to real property or liens thereof.	X		2 yrs.	OP	ES
2	Records required to be kept permanently by statute.	X		2 yrs.	OP	ES
3	Minutes, ordinances & resolutions of Board.	X		2 yrs.	OP	ES
4	Documents with lasting historical, administrative, legal, fiscal, or research value.	X		2 yrs.	OP	ES
5	Correspondence, operational reports and information upon which District policy has been established.	X		2 yrs.	10 yrs.	12 yrs.
6	Duplicates of 5, above, when retention is necessary for reference.	X		2 yrs.		2 yrs.
7	Records requiring retention for more than five years, but no more than 15 years by statute or administrative value.	X		2 yrs.	13 yrs.	15 yrs.
8	Duplicates needed for administrative purposes for five to 15 years.		X	2 yrs.	13 yrs.	15 yrs.

9	All other original District records, or instruments, books or papers that are considered public documents not included in Groups 1 through 8.	X		2 yrs.	1 yr.	3 yrs.
10	Duplicates and other documents not public records required to be maintained for administrative purposes.	X	X	2 yrs.	3 yrs.	5 yrs.
11	Duplicate records requiring retention for administrative purposes such as reference material for making up budgets, planning and programming.		X	3 yrs.		3
12	Reference files (copies of documents which duplicate the record copies filed elsewhere in the District; documents which require no action and are non-record; rough drafts, notes, and similar working papers accumulated in preparation of a communication, study or other document, and cards, listings, indexes and other papers used for controlling work).		X	1 yr.		1 yr.
13	Transitory files, including letters of transmittal (when not a public record), suspense copies when reply has been received, routine requests for information and publication, tracer letters, and other duplicate copies no longer needed.	X	X	3 mos.		3 mos.

14	Original documents disposable upon occurrence of an event or an action (i.e., audit, job completion, completion of contract, etc.) or upon obsolescence, supersession, revocation.	X		2 yrs.	3 yrs.	5 yrs.
15	Policy files and reference sets of publications.		X	I		I
16	Duplicates or non-record documents required for administrative needs but destroyable on occurrence of an event or an action.		X	I		I

OP = Original or photographic copy.

ES = May be destroyed if stored in electronic media.

I = Indefinitely

POLICY 1056: Electronic Document Management Policy

This Policy governs the retention of text messages, voicemail messages, social media posts, and email messages sent or received in the conduct of District business.

1056.1 Definitions

- Email Message: An electronic communication sent and received via web mail or email client.
- Social Media: Information posted to websites and applications that enable users to create and share content or to participate in social networking, including Facebook, Twitter, Instagram, Snap-chat, and LinkedIn.
- Text Message: An electronic, written communication sent and received via telephone or Internet connection.
- Voicemail Message: An electronic, aural communication sent or received via telephone or Internet connection.

1056.2 Text Messages, Voicemail Messages, and Social Media

Text messages, voicemail messages, and social media posts not saved to an archive or a more permanent medium are intended to be ephemeral documents, not preserved in the ordinary course of business. Accordingly, they do not constitute disclosable public records, as that term is defined by Government Code section 6252, subdivision (e). Directors and District staff are not required to retain these electronic documents. Business done on behalf of the District that requires the creation and preservation of records should be conducted in other media.

1056.3 Email Messages

- The District will manage email messages sent or received by the District's computer systems in accordance with Policies 1040 and 1055.
- Directors and District staff shall use (or copy to an address on) the District's computer systems for all email messages regarding District business. Directors and staff should not retain such emails on private systems. Directors and staff should forward any email messages not received by the District's computer systems nor copied to its staff or to an email address designated for that purpose, so they can be preserved in the District's email retention system, relieving individual Directors of any duty to preserve such email messages or make them available for public inspection.
- This policy applies only to the conduct of District business that is subject to the Public Records Act. It does not apply to communications to or from Directors in their other public and private capacities or communications to or from District staff that are personal, private or otherwise not kept in the normal course of District business.
- Any email message whose retention is necessary and appropriate for on-going District business shall be placed in a subject matter file so as to facilitate its easy retrieval. Any other email shall be considered ephemeral in nature and not a public record. For example, emails whose purpose is to coordinate meeting dates and times or other matters that are solely short-term and non-substantive are not considered public records and should be deleted as soon as they are no longer relevant to District business.
- All electronic messages of the District will be deleted after two years unless Policy 1055 expressly requires retention for a longer period.