



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7b (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: August 2, 2021

SUBJECT: Proposed Amendments to Policy on Records Retention and Destruction

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy on Records Retention and Destruction* (Attachment One).

SUMMARY

The Commission's adopted Strategic Plan includes a schedule for the Commission's Policy Committee (Mohler and Wagenknecht) to comprehensively review all local policies.

On July 14, 2021, the Policy Committee met and agreed to recommend amendments to the Commission's *Policy on Records Retention and Destruction*.

The proposed amendments are included as an exhibit to the draft resolution (Attachment One), and shown with tracked changes as Attachment Two.

Key amendments being proposed are summarized below:

- Added a header showing page numbers
- Added the "Authorization to Destroy Records" form as Attachment B
- Clarify definitions and retention processes for official records
- Delete unneeded provisions relating to quality checks and boxed records
- Elimination of sole reliance upon Laserfiche software to store electronic records

ATTACHMENTS

- 1) Draft Resolution Amending the *Policy on Records Retention and Destruction*
- 2) Proposed Amendments to the *Policy on Records Retention and Destruction* (Tracked Changes)

Margie Mohler, Vice Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

RESOLUTION NO. _____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING ITS POLICY ON RECORDS RETENTION AND DESTRUCTION**

WHEREAS, on August 1, 2011, the Local Agency Formation Commission of Napa County (the "Commission") adopted a *Policy on Records Retention and Destruction*; and

WHEREAS, the Commission considered a proposed amendment to the *Policy on Records Retention and Destruction* at its regular meeting on August 2, 2021, and invited public comment at that meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on Records Retention and Destruction* as attached hereto.

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on August 2, 2021, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Diane Dillon
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Kathy Mabry
Commission Clerk



LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

Policy on Records Retention and Destruction

(Adopted: August 1, 2011; Last Amended: December 7, 2015;

Proposed Amendment: August 2, 2021)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, pursuant to [California Government Code \(G.C.\) §56382](#), directs the Commission to make arrangements for the retention and safekeeping of records relating to activities and actions tied to administering its regulatory and planning responsibilities. This includes preserving and protecting records for future public reference relating to the formation, expansion, and reorganization of cities and special districts and their municipal services.

Many other laws and standards apply to the management, retention, and destruction of Commissions records, including G.C. §58000 *et seq.* related to destruction of public agency records.

II. Purpose

The intent of this policy is to provide guidance to Commission staff regarding the management, retention, and, when authorized by the Executive Officer upon compliance with this Policy, destruction of agency records. Effective implementation of the policy will help to ensure accountable and accurate handling of agency records in a manner that provides for prompt retrieval while reducing storage requirements for inactive and outdated documents.

Benefits include:

- Reduce administrative expenses, expedite procedures
- Free filing cabinet and office space
- Reduce the cost of records storage
- Eliminate duplication of effort
- Find records faster
- Protection of records

III. Definitions

- A) **Computer Drives:** Computer drives, including network drives, USB drives, etc.; other than the Laserfiche repository.
- B) **Drafts:** Those records that are not retained for the purpose of preserving the informational content for future reference.¹
- C) **Electronic Document Management System (EDMS):** the Commission has purchased Laserfiche software as one of multiple systems for the purpose of preserving selected final versions of Official Records in a manner that complies with the Trustworthy Electronic Records laws.

¹ 64 Ops. Cal. Atty. Gen. 317 (1981)

- D) **Non-Record:** Published books and pamphlets printed by outside agencies.
- E) **Official Records:** Final versions of records which are made or retained for the purpose of preserving the informational content for future reference or documents defined in the agency's business practices.^{2, 3}
- F) **Records:** Any writing containing information relating to the conduct of the Commission's business that is prepared, owned, used, or retained, regardless of physical form or characteristics.⁴
- G) **Trustworthy Electronic Records:** Electronic records that can serve as the Official Records.⁵

IV. General Guidelines

- A) The Commission's Executive Officer shall be responsible for administering this policy to ensure the effective management, retention, and, as appropriate, destruction of records consistent with this policy and the attached Records Retention Schedule (Attachment A).
- B) The following general guidelines apply to all Commission records:
 - (1) **Copies, drafts, notes, or non-records** may be destroyed at any time without authorizations being obtained. This includes copies, drafts, notes, and non-records stored on computer drives.
 - (2) **Destruction of Official Records** that have exceeded their retention period (as provided for in the Records Retention Schedule (Attachment A)) shall be authorized according to policies and procedures prior to destroying them, using the "Authorization to Destroy Records" form (Attachment B), and obtaining all authorizations prior to the official record being destroyed.
 - (3) **Holds on Destruction:** Litigation, complaints, claims, public records act requests, audits, and/or investigations suspend normal retention periods, and records shall not be destroyed unless authorized by the Commission's attorney.
 - (4) **Repository for Trustworthy Electronic Records:** If an electronic record is to serve as the Commission's Official Record, it may be placed in the Laserfiche repository or the Commission's shared drive or the County of Napa's trustworthy record, and various legal requirements complied with. The record shall include all referenced attachments. All official records shall comply with Basic Legal Requirements.⁶

² 64 Ops. Cal. Atty. Gen. 317 (1981)

³ 2 CCR §22620.1 et seq.

⁴ Government Code §6252 through §6257

⁵ Government Code §56382, §12168.7, EVC §1550, 2 CCR §22620.1 et seq.

⁶ Government Code §56382, §12168.7, EVC §1550, 2 CCR §22620.1 et seq.



ATTACHMENT A

LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY
Policy on Records Retention and Destruction (Last Amended: August 2, 2021)

Records Retention Schedule

Record Type	Record Description (Non-Exclusive)	Retention: Original Record
Administrative		
Accounts Payable	invoices for purchase orders, reimbursements, services received	audited + 4 years
Accounts Receivable	invoices for applications, miscellaneous fees, services provided	audited + 4 years
Administrative Policies & Procedures	adopted guidelines, standards, requirements ¹	superseded + 4 years
Audits	independent analyses of year-end financial statements	Permanent
Budgets	annual revenue and expense ledgers, adjustments, transfers	Permanent
Consultant Contracts	information services provided by contracted third parties	completion + 7 years
General Correspondence	communication with public and local agencies, including e-mails	5 years
Oath of Office	commissioners' oaths of office taken at commencement of term	Permanent
Payroll	employee timesheets, leave balances, labor distribution reports ²	audited + 7 years
Personnel Files	employee applications, performance reviews, leave forms ³	separation + 6 years
Personnel Files – Medical Files	pre-employment physical clearances, etc.	separation + 30 years
Public Member Recruitment	notice of vacancy, applications, appointments	current + 10 years
Public Records Requests	written requests to inspect or copy agency documents	current + 2 years
Requests for Proposals	written solicitation for consultant services ⁴	current + 5 years
Statements of Economic Interest	FPPC Form 700 - disclosure of income/gifts ⁵	current + 7 years
Vendor Agreements and Leases	third party equipment/facility services	completion + 5 years
Meetings		
Affidavits	affirmations relating to postings and publications	2 years
Agendas & Agenda Packets	staff reports and related documents for calendared meeting items	Permanent
Audio/Video Recordings	auditory and visual recordings of regular and special meetings	2 years
Elections – Administration	correspondence, schedules, etc.	2 years
Elections – Historical	Sample ballot, final results	Permanent
Mailing Lists	landowner and/or registered voter rolls tied to public hearings	2 years
Minutes	summary of discussion/action for regular and special meetings	Permanent
Resolutions	records of adopted actions	Permanent
Regulatory Records		
Agency Maps	jurisdictional boundaries, spheres of influence, service areas	Permanent
Change of Organization Proposals	application, petition, staff report, certificates, etc. ⁶	Permanent
Change of Reorganization Proposals	application, petition, staff report, certificates, etc. ⁷	Permanent
Outside Service Requests	application, staff report, environmental document ⁸	Permanent
Related Correspondence	communication with public and local agencies including e-mails	5 years
Planning Records		
Municipal Service Reviews ⁹	written report and supporting documentation	Permanent
Other Studies	written report and supporting documentation	Permanent
Sphere of Influence Updates ¹⁰	written report and supporting documentation	Permanent
Related Correspondence	communication with public and local agencies including e-mails	5 years

Notes

¹ Records relating to administrative policies and procedures shall include documents that have been subsequently amended, superseded, or replaced.

^{2 / 3} : Commission currently contracts with the County of Napa for staff support services. Accordingly, the County's Auditor's Office and Human Resources Department independently retain payroll and personnel records, respectively, pursuant to their own records retention schedules.

⁴ : Records relating to requests for proposals include accepted and unaccepted bids, including proposal statements, bidder forms, data sheets, proof of insurance, and evaluation rankings.

⁵ : Government Code §81009 specifies statements of economic interest must be maintained a minimum of seven years; original statements can be stored on space-saving materials after two years.

^{6 / 7 / 8} : Records relating to change of organization proposals, change of reorganization proposals, and outside service requests include information generated or managed by LAFCO.

^{9 / 10} : The contents of municipal service reviews and sphere of influence updates shall include written reports and resolutions making determinations with respect to Government Code §56430 and §56425, respectively.

DRAFT

ATTACHMENT B

Date: _____

Department: **LAFCO of Napa County*****AUTHORIZATION TO DESTROY PAPER RECORDS***

Records Description (All records from LAFCO office)	Agency
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

I certify the above Records are approved for destruction on an on-going (day-forward) basis, provided they comply with written policies and procedures approved by the Commission:

_____ Date

LAFCO Secretary/Clerk

Date

CHECK ONE OPTION FOR DESTRUCTION:

Shredding is required (Records contain private information) or Recycle (Records do NOT contain private info.)

THE PAPER VERSION OF THE ABOVE RECORDS ARE APPROVED FOR DESTRUCTION:

_____ Date

LAFCO Executive Officer

Date

(Complete after destruction has been performed, if done by employees).

I HEREBY CERTIFY that the items listed above have been destroyed in accordance with policies and procedures:

_____ Date

LAFCO Secretary/Clerk

Date



LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

Policy on Records Retention and Destruction
 (Adopted: August 1, 2011; Last Amended: December 7, 2015;
Proposed Amendment: August 2, 2021)

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, pursuant to California Government Code (G.C.) Section §56382, directs the Commission to make arrangements for the retention and safekeeping of records relating to activities and actions tied to administering its regulatory and planning responsibilities. This includes preserving and protecting records for future public reference relating to the formation, expansion, and reorganization of cities and special districts and their municipal services.

Many other laws and standards apply to the management, retention, and destruction of Commissions records, including G.C. §58000 et seq. related to destruction of public agency records.

II. Purpose

The intent of this policy is to provide guidance to Commission staff regarding the management, retention, and, ~~if~~ when authorized by the Executive Officer upon compliance with this Policy, destruction of agency records. Effective implementation of the policy will help to ensure accountable and accurate handling of agency records in a manner that provides for prompt retrieval while reducing storage requirements for inactive and outdated documents.

Benefits include:

- Reduce administrative expenses, expedite procedures
- Free filing cabinet and office space
- Reduce the cost of records storage
- Eliminate duplication of effort
- Find records faster
- Protection of records

III. Definitions

- A) **Computer Drives:** Computer drives, including network drives, USB drives, etc.; other than the Laserfiche repository.
- B) **Drafts / Preliminary Drafts:** Those records that are not ~~made or~~ retained for the purpose of preserving the informational content for future reference.¹ ~~These can be destroyed without authorizations first being obtained.~~
- C) **Laserfiche: The brand of Electronic Document Management System (EDMS):** ~~that~~ the Commission has purchased Laserfiche software, as one of multiple systems for the purpose of preserving selected final versions of Official Records in a manner that complies with the Trustworthy Electronic Records laws.
- D) **Non-Record:** Published books and pamphlets printed by outside agencies ~~can be destroyed without authorizations first being obtained.~~
- E) **Official Records:** Final versions of records which are made or retained for the purpose of preserving the informational content for future reference or documents defined in the agency's business practices.²⁻³ ~~These records must obtain authorization prior to destruction, if the records are to be destroyed. Drafts, preliminary drafts, copies, photocopies, and non-records are excluded.~~
- F) **Records:** Any writing containing information relating to the conduct of the Commission's business that is prepared, owned, used, or retained, regardless of physical form or characteristics.⁴
- G) **Trustworthy Electronic Records:** Electronic ~~Records~~ records that can serve as the "Official" Records.⁵ ~~Laserfiche is the only designated repository for electronic records that serve the Commission, as network hard drives do not meet legal mandates.~~

IV. General Guidelines

- A) The Commission's Executive Officer ~~is~~ shall be responsible for administering this policy to ensure the effective management, retention, and, as appropriate, destruction of records consistent with this policy and the attached Records Retention Schedule (Attachment A).
- B) The following general guidelines apply to all Commission records:
- (1) Copies, drafts, preliminary drafts, notes, or non-records** may be destroyed at any time without authorizations being obtained. This includes copies, drafts, notes, and non-records stored on computer drives.

¹ 64 Ops. Cal. Atty. Gen. 317 (1981)

² 64 Ops. Cal. Atty. Gen. 317 (1981)

³ 2 CCR §22620.1 et seq.

⁴ Government Code §6252 through §6257

⁵ Government Code §56382, §12168.7, EVC §1550, 2 CCR §22620.1 et seq.

~~(1)~~

(2) **Destruction of Official Records** that have exceeded their retention period (as provided for in the Records Retention Schedule (Attachment A)) ~~must shall~~ be authorized according to policies and procedures prior to destroying them, using the “Authorization to Destroy Records” form (Attachment B), and obtaining all authorizations prior to the official record being destroyed.

(3) Holds on Destruction: Litigation, complaints, claims, public records act requests, audits, and/or investigations suspend normal retention periods, and records ~~may shall~~ not be destroyed unless authorized by the Commission’s attorney.

~~(3) Repository for~~

~~— Laserfiche — Repository for Trustworthy Electronic Records:~~ If an electronic record is to serve as the Commission’s Official Record, it ~~must may~~ be placed in the Laserfiche repository or the Commission’s shared drive or the County of Napa’s trustworthy record, and various legal requirements complied with. The entire record, shall include including all referenced attachments. shall be placed in the Laserfiche repository. The “Authorization to Destroy Paper Records” form must be completed, and all authorizations must be obtained prior the paper of the record being destroyed (to rely on the electronic record in Laserfiche as the Commissions “Official Record”). All official records shall comply with

~~(4) Basic Legal Requirements.~~⁶

~~(4)~~

- ~~i. Written policies & procedures~~
- ~~ii. Quality Check Images~~
- ~~iii. Quality Check Indexes~~
- ~~iv. Store images on media that does not permit additions, deletions, or changes to the original document (EVC 1550 requires “optical media...”)~~
- ~~v. Media must be stored in a safe & separate location.~~

~~(5) **Boxed Records:** All boxes must have labels, no matter where they are. Use the Box Label form, or write the information from the Box Label Form on the box in another manner.~~

⁶ Government Code §56382, §12168.7, EVC §1550, 2 CCR §22620.1 *et seq.*



ATTACHMENT A

LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

Policy on Records Retention and Destruction- (Last Amended: ~~December 7, 2015~~ August 2, 2021)

Attachment A

Records Retention Schedule

Record Type	Record Description (Non-Exclusive)	Retention: Original Record
Administrative		
Accounts Payable	invoices for purchase orders, reimbursements, services received	audited + 4 years
Accounts Receivable	invoices for applications, miscellaneous fees, services provided	audited + 4 years
Administrative Policies & Procedures	adopted guidelines, standards, requirements ¹	superseded + 4 years
Audits	independent analyses of year-end financial statements	<u>Permanent</u>
Budgets	annual revenue and expense ledgers, adjustments, transfers	<u>Permanent</u>
Consultant Contracts	information services provided by contracted third parties	completion + 5-7 years
General Correspondence	communication with public and local agencies, including e-mails	5 years
Oath of Office	commissioners' oaths of office taken at commencement of term	<u>Permanent</u>
Payroll	employee timesheets, leave balances, labor distribution reports ²	audited + 5-7 years
Personnel Files	employee applications, performance reviews, leave forms ³	separation + 6 years
Personnel Files – Medical Files	pre-employment physical clearances, etc.	separation + 30 years
Public Member Recruitment	notice of vacancy, applications, appointments	current + 10 years
Public Records Requests	written requests to inspect or copy agency documents	current + 2 years
Requests for Proposals	written solicitation for consultant services ⁴	current + 5 years
Statements of Economic Interest	FPPC Form 700 - disclosure of income/gifts ⁵	current + 7 years
Vendor Agreements and Leases	third party equipment/facility services	completion + 5 years
Meetings		
Affidavits	affirmations relating to postings and publications	2 years
Agendas & Agenda Packets	staff reports and related documents for calendared meeting items	<u>Permanent</u>
Audio/Video Recordings	auditory and visual recordings of regular and special meetings	2 years
Elections – Administration	correspondence, schedules, etc.	2 years
Elections – Historical	Sample ballot, final results	<u>Permanent</u>
Mailing Lists	landowner and/or registered voter rolls tied to public hearings	2 years
Minutes	summary of discussion/action for regular and special meetings	<u>Permanent</u>
Resolutions	records of adopted actions	<u>Permanent</u>
Regulatory Records		
Agency Maps	jurisdictional boundaries, spheres of influence, service areas	<u>Permanent</u>
Change of Organization Proposals	application, petition, staff report, certificates, etc. ⁶	<u>Permanent</u>
Change of Reorganization Proposals	application, petition, staff report, certificates, etc. ⁷	<u>Permanent</u>
Outside Service Requests	application, staff report, environmental document ⁸	<u>Permanent</u>
Related Correspondence	communication with public and local agencies including e-mails	5 years
Planning Records		
Municipal Service Reviews ⁹	written report and supporting documentation	<u>Permanent</u>
Other Studies	written report and supporting documentation	<u>Permanent</u>
Sphere of Influence Updates ¹⁰	written report and supporting documentation	<u>Permanent</u>
Related Correspondence	communication with public and local agencies including e-mails	5 years

Notes

¹ Records relating to administrative policies and procedures shall include documents that have been subsequently amended, superseded, or replaced.

^{2 / 3} : Commission currently contracts with the County of Napa for staff support services. Accordingly, the County's Auditor's Office and Human Resources Department independently retain payroll and personnel records, respectively, pursuant to their own records retention schedules.

⁴ : Records relating to requests for proposals include accepted and unaccepted bids, including proposal statements, bidder forms, data sheets, proof of insurance, and evaluation rankings.

⁵ : Government Code ~~§Section~~ 81009 specifies statements of economic interest must be maintained a minimum of seven years; original statements can be stored on space-saving materials after two years.

^{6 / 7 / 8} : Records relating to change of organization proposals, change of reorganization proposals, and outside service requests include information generated or managed by LAFCO.

^{9 / 10} : The contents of municipal service reviews and sphere of influence updates shall include written reports and resolutions making determinations with respect to Government Code ~~Sections~~ §56430 and §56425, respectively.

ATTACHMENT B

Date: _____

Department: LAFCO of Napa County

~~LASERFICHE -- AUTHORIZATION TO DESTROY PAPER RECORDS AFTER IMAGING / TRUSTWORTHY ELECTRONIC RECORDS COMPLIANCE~~
~~(The paper version to be destroyed. LAFCO to rely on the Laserfiche image as the "Official Record")~~

Records Description (All records from LAFCO office)	Agency
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

I certify the above Records are approved for destruction on an on-going (day-forward) basis, provided they comply with written policies and procedures approved by the Commission, ~~and imaged in compliance with applicable state laws:~~

~~X Images have been quality checked, and contain all significant details from the original and are an adequate substitute for the original document for all purposes for which the document was created or maintained.~~

~~X Indexing has been verified / quality checked.~~

~~X Images have been placed on optical media that cannot be altered or changed (uploaded in Laserfiche application) are retained as trustworthy electronic records.~~

~~X The optical media that cannot be altered or changed has been stored in a safe and separate location (by ITS/LAFCO).~~

LAFCO Secretary/Clerk_____
Date**CHECK ONE OPTION FOR DESTRUCTION:**

Shredding is required (Records contain private information) or Recycle (Records do NOT contain private info.)

THE PAPER VERSION OF THE ABOVE RECORDS ARE APPROVED FOR DESTRUCTION ~~(the imaged version becomes the original):~~

LAFCO Executive Officer_____
Date

 (Complete after destruction has been performed, if done by employees).

I HEREBY CERTIFY that the items listed above have been destroyed in accordance with policies and procedures:

Date: _____
LAFCO Secretary/Clerk

Date

Department: **LAFCO of Napa County**