



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 5e

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer
Kathy Mabry, Secretary

MEETING DATE: December 7, 2015

SUBJECT: Proposed Amendment to *Policy on Records Retention and Destruction*

RECOMMENDATION

Staff recommends the Commission approve the proposed amendment to the *Policy on Records Retention and Destruction* (Attachment Two) with any desired changes.

SUMMARY

The Commission is upgrading its records management program, including its policy and records retention schedule. The proposed amendment to the records retention schedule would result in efficiency gains and cost savings in both in labor and storage expenses; including the avoidance of future storage costs.

BACKGROUND

In early 2015, LAFCO staff selected Gladwell Governmental Services, an expert in local government records, to upgrade the agency's records management program, and on March 26, 2015, an on-site analysis of the quantity and nature of the agency's records was conducted. Gladwell determined an upgrade in the existing program was necessary to reduce current and future records storage costs, eliminate duplicative efforts, increase efficiencies, take advantage of current technology, and address changes in law.

Staff worked with Gladwell and developed a new plan for the agency's records focusing only on documents where LAFCO is the office of record, and discontinuing all other records series (i.e. Auditor's original documents would be maintained by the County). In addition, Gladwell recommended LAFCO outsource the back scanning of older records. At its April 6th meeting, the Commission approved a one-time allotment of \$25,000 to hire a professional company to perform back scanning work. Accordingly, the Commission approved a contract with ECS Imaging, effective July 1, 2015, to perform back scanning of LAFCO records and storage into the agency's Laserfiche database.

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Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

DISCUSSION

The upgrade of the agency's current records management system is driven by many factors, including:

- Very limited space in the Commission's office and County Records Center
- Production and management of many permanent records, including over 50 years' worth of agency records to be scanned
- Technology advancements
- Changes in law

The purpose of the records management program is to apply efficient and economical methods to the creation, utilization, maintenance, retention, preservation, and disposal of all records managed by the Commission. The retention periods are in compliance with all laws and are standard business practice for California local governments.

ATTACHMENTS

- 1) *Current Policy on Records Retention and Destruction*
- 2) *Proposed Amended Policy on Records Retention and Destruction*



LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

Policy on Records Retention and Destruction

Adopted: August 1, 2011

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, pursuant to California (G.C.) Government Code 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.

II. Purpose

The intent of this policy is to provide guidance to Commission staff regarding the management, retention, and, if authorized, 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.

III. Authorization for the Retention and Destruction of Documents

- A) “Records” must be kept indefinitely in original, photographic, or electronic form pursuant to G.C. Section 56382. The Commission defines “LAFCO Records” in this policy under IV/E.
- B) Documents not herein defined as “LAFCO Records” are not “records” pursuant to G.C. Section 56382 and will be retained and disposed of according to the Records Retention Schedule provided as Attachment “A” to this policy.

IV. Definitions

- A) “Active Records” are documents that are less than two years old and/or currently open or regularly accessed, used, or referenced.
- B) “Administrative Records” include, but are not limited to, accounts payable/receivable, budgets, audits, payroll timesheets, policies, statements of economic interest, public member recruitment proceedings, consultant contracts, vendor agreements, and personnel files.
- C) “Digital Copy” refers to an original document that has been imported or exported for archival purposes into the Commission’s electronic document management system.

- D) “Inactive Records” are documents that are more than two years old and/or closed or no longer regularly accessed, used, or referenced, but still need to be retained for legal or practical purposes.
- E) “LAFCO Records” are defined as records that must be retained indefinitely in compliance with G.C. Section 56382 and include the following documents:
- a. Documents relating to change of organization or reorganization proposals, which include, but are not limited, to:
 - application, petition, or other initiating documents
 - justification of proposal
 - property tax exchange agreement
 - assessor’s statement of property valuation
 - indemnification agreement
 - certificate of filing
 - environmental review/CEQA documents
 - certificate of completion
 - map and boundary description
 - notices
 - order for change of organization/reorganization
 - staff report with recommendation
 - statement of boundary change
 - statement of tax rate area
 - b. LAFCO adopted resolutions
 - c. LAFCO approved meeting minutes
 - d. Documents relating to outside service requests
 - e. Adopted resolutions
 - f. Approved meeting minutes
 - g. Completed sphere of influence establishments and updates
 - h. Completed municipal service reviews
 - i. Commission policies
- F) “Meeting Records” include, but are not limited to, agendas, minutes, staff reports, resolutions, and audio and/or video recordings.
- G) “Planning Records” include, but are not limited to, municipal service reviews, sphere of influence updates, and related correspondence.
- H) “Record” or “Records” are defined to include any paper, electronic media, audio file, or other form of documentation that records or transmits information originated and/or managed by the Commission.

- I) “Records Retention Schedule” prescribes by type a plan for its management and life cycle and serves as the legal authorization for its disposition. A copy of the Records Retention Schedule is affixed to this policy as Attachment “A.”
- J) “Regulatory Records” include, but are not limited to, change of organization or reorganization files, outside service requests, boundary maps and descriptions, and related correspondence.

V. General Guidelines

- A) The Commission’s Executive Officer is responsible for administering this policy to ensure the effective management, retention, and, as appropriate, destruction of records consistent with this policy and the Records Retention Schedule.
- B) The following general guidelines apply to all Commission records.
 - (1) The Commission authorizes the destruction of any duplicative active or inactive record at any time.
 - (2) Digital copies shall be made of all active and inactive records for retention, safeguarding, and public distribution within the Commission’s electronic document management system.
 - (3) Active records shall be retained in their original form for a period of no less than two years. Original documents may be destroyed after two years if a digital copy exists and it is consistent with the Records Retention Schedule.
 - (4) The Commission authorizes purging digital copies for inactive records if it is consistent with the Records Retention Schedule.
 - (5) Digital copies of the following records shall be indefinitely retained:
 - a. LAFCO Records as defined in this policy under IV/E.



LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

Policy on Records Retention and Destruction

Attachment A Records Retention Schedule

Record Type	Record Description (Non-Exclusive)	Retention: Original Record	Retention: Digital Record
Administrative			
Accounts Payable	invoices for purchase orders, reimbursements, services received	audited + 4 years	none
Accounts Receivable	invoices for applications, miscellaneous fees, services provided	audited + 4 years	none
Administrative Policies & Procedures	adopted guidelines, standards, requirements ¹	current + 4 years	indefinite
Audits	independent analyses of year-end financial statements	5 years	indefinite
Budgets	annual revenue and expense ledgers, adjustments, transfers	5 years	indefinite
Consultant Contracts	information services provided by contracted third parties	completion + 2 years	completion + 5 years
General Correspondence	communication with public and local agencies, including e-mails	2 years	5 years
Oath of Office	commissioners' oaths of office taken at commencement of term	completion + 4 years	indefinite
Payroll	employee timesheets, leave balances, labor distribution reports ²	audited + 2 years	audited + 5 years
Personnel Files	employee applications, performance reviews, leave forms ³	leave + 3 years	leave + 5 years
Public Member Recruitment	notice of vacancy, applications, appointments	current + 2 years	current + 10 years
Public Records Requests	written requests to inspect or copy agency documents	current + 2 years	current + 2 years
Requests for Proposals	written solicitation for consultant services ⁴	current + 2 years	current + 5 years
Statements of Economic Interest	disclosure of income/gifts/benefits for designated employees ⁵	current + 2 years	current + 10 years
Vendor Agreements and Leases	third party equipment/facility services	completion + 2 years	completion + 5 years
Meetings			
Affidavits	affirmations relating to postings and publications	2 years	indefinite
Agendas	calendared meeting items	5 years	indefinite
Agenda Packets	staff reports and related documents for calendared meeting items	5 years	indefinite
Audio/Video Recordings	auditory and visual recordings of regular and special meetings	2 years	2 years
Elections	impartial analyses, conducting authority proceedings	2 years	5 years
Mailing Lists	landowner and/or registered voter rolls tied to public hearings	2 years	5 years
Minutes	summary of discussion/action for regular and special meetings	5 years	indefinite
Resolutions	records of adopted actions	5 years	indefinite
Regulatory Records			
Agency Maps	jurisdictional boundaries, spheres of influence, service areas	5 years	indefinite
Change of Organization Proposals	application, petition, staff report, certificates, etc. ⁶	5 years	indefinite
Change of Reorganization Proposals	application, petition, staff report, certificates, etc. ⁷	5 years	indefinite
Outside Service Requests	application, staff report, environmental document ⁸	5 years	indefinite
Related Correspondence	communication with public and local agencies including e-mails	2 years	5 years
Planning Records			
Municipal Service Reviews ⁹	written report and supporting documentation	7 years	indefinite
Other Studies	written report and supporting documentation	7 years	indefinite
Sphere of Influence Updates ¹⁰	written report and supporting documentation	7 years	indefinite
Related Correspondence	communication with public and local agencies including e-mails	2 years	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 digitized 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.



LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

Policy on Records Retention and Destruction

Adopted: August 1, 2011
Amended December 7, 2015

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, pursuant to California (G.C.) Government Code 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.

II. Purpose

The intent of this policy is to provide guidance to Commission staff regarding the management, retention, and, if authorized, 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, 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 that can serve as the "Official" Record.⁵ Laserfiche is the only designated repository for electronic records that serve the Commission, as network hard drives do not meet legal mandates.

¹ 64 Ops. Cal. Atty. Gen. 317 (1981))

² 64 Ops. Cal. Atty. Gen. 317 (1981))

³ 2 CCR 22620 et seq.

⁴ Government Code §6252 through §6257

⁵ Government Code 56382, 12168.7, EVC 1550, 2 CCR 22620 et seq.

IV. General Guidelines

- A) The Commission's Executive Officer is 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.
- 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.
 - (2) **Destruction of Official Records** that have exceeded their retention period (as provided for in the Records Retention Schedule) must be authorized according to policies and procedures prior to destroying them, using the "Authorization to Destroy Records" form, 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 not be destroyed unless authorized by the Commission's attorney.
 - (4) **Laserfiche – Repository for Trustworthy Electronic Records:** If an electronic record is to serve as the Commission's Official Record, it must be placed in the Laserfiche repository, and various legal requirements complied with. 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").
 - a. Basic Legal Requirements⁶
 - 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 et seq.



LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

Policy on Records Retention and Destruction

Attachment A Records Retention Schedule

Record Type	Record Description (Non-Exclusive)	Retention: Original Record	Imaged in Laserfiche?
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	Perm	yes
Budgets	annual revenue and expense ledgers, adjustments, transfers	Perm	yes
Consultant Contracts	information services provided by contracted third parties	completion + 5 years	yes
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	Perm	yes
Payroll	employee timesheets, leave balances, labor distribution reports ²	audited + 5 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	yes
Meetings			
Affidavits	affirmations relating to postings and publications	2 years	
Agendas & Agenda Packets	staff reports and related documents for calendared meeting items	Perm	yes
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	Perm	yes
Mailing Lists	landowner and/or registered voter rolls tied to public hearings	2 years	
Minutes	summary of discussion/action for regular and special meetings	Perm	yes
Resolutions	records of adopted actions	Perm	yes
Regulatory Records			
Agency Maps	jurisdictional boundaries, spheres of influence, service areas	Perm	yes
Change of Organization Proposals	application, petition, staff report, certificates, etc. ⁶	Perm	yes
Change of Reorganization Proposals	application, petition, staff report, certificates, etc. ⁷	Perm	yes
Outside Service Requests	application, staff report, environmental document ⁸	Perm	yes
Related Correspondence	communication with public and local agencies including e-mails	5 years	
Planning Records			
Municipal Service Reviews ⁹	written report and supporting documentation	Perm	yes
Other Studies	written report and supporting documentation	Perm	yes
Sphere of Influence Updates ¹⁰	written report and supporting documentation	Perm	yes
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.
