



## 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of agency records in a manner that provides for prompt retrieval while reducing storage requirements for inactive and outdated documents.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.<sup>1</sup> 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.<sup>2 3</sup> 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.<sup>4</sup>
- G) **Trustworthy Electronic Records:** Electronic Records that can serve as the "Official" Record.<sup>5</sup> Laserfiche is the only designated repository for electronic records that serve the Commission, as network hard drives do not meet legal mandates.

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<sup>1</sup> 64 Ops. Cal. Atty. Gen. 317 (1981))

<sup>2</sup> 64 Ops. Cal. Atty. Gen. 317 (1981))

<sup>3</sup> 2 CCR 22620 et seq.

<sup>4</sup> Government Code §6252 through §6257

<sup>5</sup> 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 Requirements<sup>6</sup>
      - 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.

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<sup>6</sup> Government Code 56382, 12168.7, EVC 1550, 2 CCR 22620 et seq.



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## Policy on Records Retention and Destruction

### Attachment A Records Retention Schedule

Record Type	Record Description (Non-Exclusive)	Retention: Original Record	Imaged in Laserfiche?
<b>Administrative</b>			
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 <sup>1</sup>	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 <sup>2</sup>	audited + 5 years	
Personnel Files	employee applications, performance reviews, leave forms <sup>3</sup>	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 <sup>4</sup>	current + 5 years	
Statements of Economic Interest	FPPC Form 700 - disclosure of income/gifts <sup>5</sup>	current + 7 years	
Vendor Agreements and Leases	third party equipment/facility services	completion + 5 years	yes
<b>Meetings</b>			
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
<b>Regulatory Records</b>			
Agency Maps	jurisdictional boundaries, spheres of influence, service areas	Perm	yes
Change of Organization Proposals	application, petition, staff report, certificates, etc. <sup>6</sup>	Perm	yes
Change of Reorganization Proposals	application, petition, staff report, certificates, etc. <sup>7</sup>	Perm	yes
Outside Service Requests	application, staff report, environmental document <sup>8</sup>	Perm	yes
Related Correspondence	communication with public and local agencies including e-mails	5 years	
<b>Planning Records</b>			
Municipal Service Reviews <sup>9</sup>	written report and supporting documentation	Perm	yes
Other Studies	written report and supporting documentation	Perm	yes
Sphere of Influence Updates <sup>10</sup>	written report and supporting documentation	Perm	yes
Related Correspondence	communication with public and local agencies including e-mails	5 years	

## Notes

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

<sup>2</sup> / <sup>3</sup> : 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.

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

<sup>5</sup> : 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.

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

<sup>9</sup> / <sup>10</sup> : 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.

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