



Meeting: **Authority Board Agenda Item 4.5**

February 23, 2022

Subject: **Records Management Policy**

Requested Action:

Review and comment on the new Records Management Policy, including the records retention schedule, to guide oversight and retention of the Authority's records and responding to public records requests with an effective date of July 1, 2022.

Detailed Description/Background:

The Records Management Policy provides direction in the oversight of the records created on behalf of the Sites JPA in the regular business of the Sites Reservoir Project and provide records to the public in compliance with the California Public Records Act while upholding the Authority's values of accountability and transparency.

The Policy was developed based on compliance with requirements outlined in the California Public Records Act and local government Records Management Guidelines using the guidelines put out by CSDA and the California League of Cities. The proposed policy has undergone review by general counsel and special counsels.

The Policy includes the following:

- Roles and responsibilities of contracted service providers and governing boards.
- Records retention schedule by which records will be maintained and destroyed.
- Preserves full rights to disclosure exemptions under the Act. Legal Counsel is advising within the procedures our process for managing preliminary notes and emails.
- Fee schedule for providing printed materials in response to a public records request.

Two procedures providing detailed direction to staff about how to effectively implement the Records Management Policy have been developed and are available upon request. The two procedures are:

- Records Management Procedure.
- Response to Public Records Request.

From time to time, members of the Sites governing boards will receive duplicate records in emails from Staff. As staff will serve as the custodian of records it is encouraged that Board Members retain records only while necessary to use. Staff will ensure records will be maintained and destroyed in accordance with the Records Retention Schedule.

The Records Management Policy will be applicable and enforced effective July 1, 2022. This period allows staff the time to put measures in place, including training and system automation, to maintain a records management process in compliance with applicable laws. In weighing the benefit/cost of retroactively conforming prior documents to the Policy, Staff intends to prioritize the present and future documents first and the past documents will be compiled as time allows.

The Budget and Finance Committee reviewed the proposed Policy and did not take any exceptions.

Also, the Policy itself was inadvertently not attached to the staff report to the Reservoir Committee so their action on the Policy was deferred to March. It is recommended that AB provide any comments on the Policy and staff will bring the item for approval by the RC/AB at the joint meeting in March.

Prior Action:

None.

Fiscal Impact/Funding Source:

There is no fiscal impact associated with the proposed policy and the proposed approach for aligning past documents with the new policy.

Staff Contact:


Joe Trapasso

Primary Service Provider:

Brown and Caldwell

Attachments:

Attachment A – Sites Project Authority Records Management Policy and Record Retention Schedule

	DOCUMENT TYPE	Policy
	DOCUMENT NO.	C05
	ADOPTED	TBD
	LAST UPDATED	TBD

SITES PROJECT AUTHORITY RECORDS MANAGEMENT POLICY

1. Purpose

The Records Management Policy establishes management, maintenance, and accessibility of records for the Sites Project Authority in compliance with the California Public Records Act (Public Records Act) (Government Code Section 6250 et seq.).

2. Definitions

Requester: Refers to any individual requesting access to, inspection of, or copies of Sites Project Authority Records.

Record: Has the same meaning as “public records” as defined in subdivision (e) of California Government Code Section §6252. Records are any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by the agency regardless of physical form or characteristics.

3. Policy

Records Management

The Sites Project Authority retains Records of the agency and effective retention and storage of records, management of records, and information collection practices by establishing and maintaining an active records management program while ensuring compliance with the Public Records Act.

Public Records

The Sites Project Authority provides public access to Sites Project Authority records upon request in compliance with the Public Records Act.

The Sites Project Authority reserves all available exemptions from disclosure of Records as provided under the Public Records Act and decisions of the California Courts interpreting the same.

Consistent with applicable case law interpreting and applying the Public Records Act, new records will not be created to respond to requests.

4. Roles and Responsibilities

Sites Authority Board and Reservoir Committee Members

The Sites Project Authority does not create or maintain Records on behalf of any participating agency. Members of the Sites governing boards are subject to compliance with this Records Management Policy.

Contracted Service Providers

Contracted service providers shall perform and maintain appropriate processes and systems to comply with the Public Records Act, the respective executed contract between the service provider and the Sites Project Authority, and this policy by making Records generated in performing their work for the Sites Project Authority available as Records of the agency upon request by the Authority.

Program Operations Manager

The Program Operations Manager shall be responsible to oversee the Sites Project Authority's records management activities and assure the Authority remains in full compliance with this policy at all times.

Requester

Requesters are encouraged to make a focused and effective request that reasonably describes an identifiable record or records. Consistent with Government Code Section 6253.1, the Authority shall make reasonable efforts to assist the Requester in making a focused and effective request.

A Requester is encouraged to include the following information to facilitate a focused response by the Sites Project Authority regarding the requested Records:

- The subject of the record
- A clear, concise, and specific description of the record(s) being requested
- The date(s) of the record(s), or a time period for the request (e.g.: calendar year 2019)
- Full names for the individuals and/or agencies included in the request, including proper spelling
- Any additional information that helps identify the record(s) being requested
- Contact information to facilitate the Authority's response to the request, preferably an email address

Requesters are encouraged to make every effort to research the records being requested, prior to submitting a request, including a detailed review of the Sites Project Authority website, which the Authority makes every effort to maintain.

Records Administrator

Under the supervision of the Program Operations Manager, the Records Administrator will administer an efficient records management procedure and procedure for responding to public records requests to manage the Authority’s Records in compliance with this policy.

5. Process

Records will be retained and discarded in alignment with the attached Records Retention Schedule.

All requests for Records will be reviewed by the Program Operations Manager, Records Administrator, and Legal Counsel as needed.

6. Reporting

The Reservoir Committee and Authority Board will receive an informational report of public requests for Records and notice of completion of responses.

7. Attachments:

Records Retention Schedule

8. Fee Schedule:

Requests for copies of records, for which fees are not otherwise set by law, shall be subject to the following fees:

First page	\$1.00
Each additional page	\$0.25
Front/Back copying	additional \$.10 per page
Copying on paper other than 8.5 x 11	actual cost
Color Copies	actual cost
Deposit required if estimated copying costs exceed	\$25.00

9. References

California Public Records Act ([Government Code Section 6250 et seq.](#))

California Secretary of State [Local Government Records Management Guidelines](#)

Attachment: Records Retention Schedule

The Sites Project Authority Records Retention schedule is based on the Local Government Records Management Guidelines and has been adapted for use by the Sites Project Authority.

Records Retention Schedule	
Records	Minimum Retention Period
Organizational Records	
Articles of incorporation	Permanent
Application for exempt status	Permanent
Bylaws	Permanent
Authority Board Adopted Policies and operating procedures	Permanent
Authority Board and Reservoir Committee meeting minutes	Permanent
Form 700	7 years Original/4 years Copies
Authority Board and Reservoir Committee meeting materials, including Public Agendas and Staff Reports	5 years
Authority Board and Reservoir Committee Meeting Recordings	1 day after the approval of the respective minutes
Correspondence	7 years
Other documents not defined	1 year
Accounting Records	
Chart of accounts	Permanent
Annual financial statements	Permanent
Annual audit reports	Permanent
General ledger	20 years
Monthly financial statements	6 years
Quarterly financial statements	6 years
Journal entries	6 years
Accounts payable ledger	6 years
Accounts receivable ledger	6 years
Expense records	6 years
Accounting procedures	6 years
All other accounting records	6 years

Invoices	6 years
Bank statements	3 years
Bank reconciliations	3 years
Canceled checks	3 years
Stop payment orders	3 years
Check signature authorizations	3 years
All other bank records	3 years
Tax Records	
Tax returns	Permanent
Form 990 and supporting documentation	Permanent
1099 forms	8 years
All other tax records	6 years
Supporting documentation for taxes	4 years
Real Estate Records	
Deeds	Permanent
Purchase/Sale Agreements	Permanent
Option Agreements	5 years after fulfillment or expiration of agreement
First Rights of Refusal Agreement	3 years after fulfillment or expiration of agreement
Escrow documents	3 years after close
All other real estate records	3 years
Insurance Records	
Policies	Permanent
Claims	5 years
Legal Records	
Contracts and Agreements	Permanent
All other legal records (that do not fit into a defined category in this table)	10 years
Personal injury records	8 years
Leases	6 years after termination
Litigation claims	5 years following close of case
Court documents and records	5 years following close of case

Deposition transcripts	5 years following close of case
Discovery materials	5 years following close of case
Environmental and Permitting Records	
CEQA Administrative Record ¹	10 years after completion of the Authority's formal project approval decision
Permits and Supporting Documents	10 years after completion of permitted activities and mitigation actions, if any, required in the permit
Water Right and Supporting Documents	Permanent
Engineering Records	
Final reports and/or memoranda	Permanent
Final construction contract documents (including plans, specifications, cost estimates, and CAD/BIM files)	Permanent
Construction as-built documentation	Permanent
Records given/sent to any third party or government agency	10 years after close of project ²
Meeting minutes	10 years after close of project ²
Geotechnical samples/cores	10 years after close of project ² with consideration for permanent long-term storage of limited records
Temporary Project records	10 years after close of project ²
Technical Project Support Records	
Expert opinions	Permanent
Final reports	Permanent
Final technical and/or administrative memoranda	Permanent

¹ Public Resources Code Section 21167.6 (e) provides a list of the types of documents that comprise an administrative record, included as Appendix B to the Records Management Procedure. It is the responsibility of the Authority, as lead agency, to retain the relevant records for the purposes of CEQA.

² Close of Project refers to when all specified project activities have been fully implemented and no further action on the respective project would occur. For example, a construction project would be closed when all construction and mitigation actions were fulfilled.

Final data collection/analysis/modeling output supporting key deliverables	10 years after close of project ²
Documents given/sent to any third party or government agency	10 years after close of project ²
Meeting minutes, including meetings with committees and third parties	10 years after close of project ²
Proposals in response to Authority solicitations	2 years
Final Cost estimates	10 years after close of project ²
Correspondence, including emails, letters, text messages, handwritten telephone and meeting notes not further transcribed, written memoranda, to-do lists, report drafts, correspondence with member agencies	5 years after close of project ²

² Close of Project refers to when all specified project activities have been fully implemented and no further action on the respective project would occur. For example, a construction project would be closed when all construction and mitigation actions were fulfilled.