

Agenda Date: August 20, 2009
Agenda Placement: Admin
Estimated Time: N/A
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Terry Dressler, Air Pollution Control Officer

CONTACT: William M. Dillon, County Counsel's Office
Tom Murphy, TEA Manager

SUBJECT: District Records Retention Policy

RECOMMENDATION:

That the Board adopt the Resolution set forth in Attachment A that adopts revisions to the District Records Retention Policy.

DISCUSSION:

The District Board adopted the District Records Retention Policy in 1998. This Policy was modeled after a records retention policy originally adopted by the County and allows for the periodic destruction of records whose destruction does not adversely affect any District or public purpose. Over time, the District Records Retention Policy has become out-of-date, as it does not address many of the categories of records maintained by the District. As a result, the District now maintains many records that serve no District or public purpose. The District's storage capacity for records is limited and there is a significant expense to retaining obsolete records.

State law authorizes the destruction of certain records. In particular, on a case by case basis, the legislative body of a district may authorize the destruction of certain records where such destruction will not adversely affect any interest of the district or of the public. (Gov. Code § 60201(b)(1)(A).) Where the legislative body authorizes the destruction of records, the agency is required to maintain a list, by category, of the types of records destroyed or disposed of that reasonably identifies the information contained in the records in each category. (See Gov. Code §60201(b).)

State law also allows the legislative body of a district to authorize the destruction of records pursuant to a record retention schedule. (Gov. Code § 60201(b).) The legislative body may not authorize the destruction of any record identified in Government Code section 60201(d), including records of the minutes of meetings of the legislative body, pending claims, nondischarged debt, title to real property and other records specified therein. The attached District Records Retention Policy includes citations to other statutes and regulations that require specific retention periods for identified categories of records. Consistent with such restrictions, state law allows for the destruction of district records where such destruction does not adversely affect any district or public purpose.

District staff has worked extensively with County Counsel to update the District Records Retention Policy to ensure that all records that are required to be maintained will be maintained while also providing for the destruction of records whose destruction does not adversely affect any district or public purpose. The recommended District Records Retention Policy as revised is attached to the Resolution that accompanies this Staff Report.

Therefore, it is recommended that the Board adopt the attached Resolution that adopts revisions to the District Records Retention Policy.

**RESOLUTION OF THE
AIR POLLUTION CONTROL DISTRICT BOARD,
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

In the Matter of Adoption of:)	Resolution No.
)	
Revisions to the)	
District Records Retention Policy)	
)	
)	

RECITALS

- 1) Whereas, the District adopted a District Records Retention Policy in 1998.
- 2) Whereas, over time, the District Records Retention Policy has become out-of-date and does not address the appropriate retention period for many records now in storage.
- 3) Whereas, Government Code section 60201 authorizes the destruction of district records where such destruction will not adversely affect any interest of the district or the public.
- 4) Whereas, Government Code section 60201(b) authorizes the legislative body of a district to authorize the destruction of records pursuant to a record retention schedule.
- 5) Whereas, this Board has reviewed the proposed District Records Retention Policy and determined that good cause exists to adopt this Policy.
- 6) Whereas, this Board has held a public hearing on this matter and considered any public comment that has been made.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

- 1) This Board finds that the District Records Retention Policy attached to this Resolution will provide for the destruction of the records on the schedule that will not adversely affect any interest of the District or of the public.

2) The Board hereby adopts the District Records Retention Policy as set forth in the Attachment to this Resolution.

3) The Board authorizes the Control Officer to do such acts as may be necessary and proper to implement this Policy consistent with applicable state and federal law.

PASSED AND ADOPTED by the Santa Barbara County Air Pollution Control District Board, County of Santa Barbara, State of California, this ____th day of August 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Clerk of the Board

By _____
Deputy

Chair, Air Pollution Control
District Board of the County
of Santa Barbara

APPROVED AS TO FORM

DENNIS MARSHALL
SANTA BARBARA COUNTY COUNSEL

By: _____
Deputy
Attorneys for the Santa Barbara County
Air Pollution Control District

ATTACHMENT A

DISTRICT RECORDS RETENTION POLICY

August 20, 2009

ITEM NO.	TITLE AND DESCRIPTION OF RECORDS	RETENTION POLICY	REMARKS
1	DISTRICT CHRON FILES – General, routine correspondence issued by District Staff filed chronologically.	Fiscal year plus 5 years after issuance.	District
2	LITIGATION FILES – Case files containing pleadings and Counsel correspondence, memo's, etc. regarding litigation matters.	Fiscal year plus 5 years after case is closed.	Maintained by District Counsel
3	CLAIM FILES – Files pertaining to claims for tort, contract, etc., against the APCD		
	a. Claims which do not develop into lawsuits.	Fiscal year plus 3 years after receipt.	Clerk of the District Board
	b. Claims which do develop into lawsuits.	Fiscal year plus 3 years after claim is settled.	Clerk of the District Board
4	CONTRACTS – Land, buildings or improvements.	Permanent.	District
5	COMPUTER NETWORK BACKUP TAPES	Fiscal year plus 5 years.	District
6	EMAIL BACKUP TAPES	6 months.	District
7	GRANT AGREEMENTS	Fiscal year plus 5 years after grant expires.	District
8	DOCUMENTS WITHHELD FROM PUBLIC RECORDS ACT REQUEST	Fiscal year plus 2 years after District denied the request.	Gov. Code §60201(d)(5)
9	NOTES, OR INTERAGENCY OR INTRA-AGENCY MEMORANDA – Not retained by the District in the ordinary course of business, if the public interest in withholding these records clearly outweighs the public interest in disclosure. (This category applies to most email sent and received by the District.)	Zero retention required unless the public interest in withholding outweighs the public interest in disclosure.	District

10	GENERAL REFERENCE FILES AND REFERENCE LIBRARY – Documents and correspondence of interest to management. Includes materials such as reports, historical records, studies, statistical analyses, texts, etc.	Fiscal year plus 2 years after receipt.	District
11	PURCHASE ORDERS – Purchase requisition forms and correspondence relating to acquisitions of supplies equipment, agreements, services, etc. with vendors.	Fiscal year plus 5 years.	District
12	WORK REQUESTS	Fiscal year plus 1 year.	District
13	FIXED ASSET INVENTORY – Inventory of all departmental fixed assets.	Fiscal year plus 5 years.	District
14	REQUEST FOR WARRANTS	Fiscal year plus 5 years or anytime after authorized reproduction.	Government Code §26907 Maintained by Auditor-Controller
15	TRAVEL EXPENSE CLAIMS – Includes mileage and expense claims.	Fiscal year plus 5 years.	District. Government Code §26907
16	BI-WEEKLY TIMECARDS	Fiscal year plus 5 years or after audit (2 years minimum).	District
17	BI-WEEKLY PAYROLL REGISTERS – Payroll information for all employees including benefits	Fiscal year plus 7 years or after audit. These records are retained on CD.	District
18	FINAL BUDGET	Permanent.	District
19	PROPOSED BUDGET	Fiscal year plus 5 years after issuance.	District
20	CONTRACTS – Routine maintenance, service, independent contractors	Fiscal year plus 5 years after contract expires.	District (Statue of limitations is 4 years. (CCP 337))
21	AUDIT REPORTS – Audits prepared by District or commissioned by Auditor Controller	Fiscal year plus 10 years.	District
22	PAYMENTS AND CLAIMS – Payments, claims and invoices for materials and services. Includes transfers, other billings,	Fiscal year plus 5 years.	District
23	FIXED ASSET RECORDS	Fiscal year plus 5 years after asset is retired.	District

24	JOURNAL ENTRY – Used to enter postings to general ledger that are not automatically entered by the accounting system.	Fiscal year plus 3 years.	District
25	DEPOSIT RECORDS – Records documenting receipt and deposit of funds in Treasury.	Fiscal year plus 5 years after audit.	Treasurer/District
26	LOANS - LONG TERM – Records of long term loans to District used for special projects and verify expenses. Includes accounting records.	Fiscal year plus 5 years.	District
27	CAPITAL LEASES – Includes all information on all capital leases to keep track of payments on leases and for annual financial report. Includes copies of all leases on file and a capital lease schedule.	Fiscal Year plus 5 years after final payment.	District
28	ACCOUNTS RECEIVABLE – Includes invoices, attachments, backup copies and remittance advices. Filed by account and invoice number.	Fiscal year plus 5 years after final payment made.	District
27	PAYROLL TAX RECORDS – Basic employee data including name, address, and gender. Annual calendar year compensation records including: Amount of annual payment, straight time and overtime hours/pay, pension payments, fringe benefits paid, deductions, amounts of wages subject to withholding and actual taxes withheld.	Paper records: calendar year plus one, annual financial audit, whichever comes first. Payroll Processor compact disks: Fiscal year plus 7 years for salary information and 15 years for state and federal tax report records, and employee W-2 forms.	Federal Insurance Contribution Act, Federal Income Tax Withholding Act
28	HEALTH AND WELFARE PLAN DOCUMENTS – Summary plan descriptions (updates including changes and modifications) annual reports, notice of reportable events (plan amendments that may decrease benefits) and plan terminations.	Fiscal year plus 6 years from date of reportable events	Employee Retirement Income Security Act
29	INS FORM I-9	One year after date of termination	Immigration Reform and Control Act
30	INDUSTRIAL INJURY FILES – Forms, employee correspondence and reports relating to employees' injuries and illness.	Fiscal year plus 5 years.	OSHA

31	MERIT, PROBATION, ANNUAL REVIEW LISTS – indicates the date of employee reviews. (printouts monthly).	Fiscal year plus 2 years.	District
32	EMPLOYEE PERSONNEL FOLDERS – Personnel records relating to hires, rehires, tests used in employment, promotion, transfers, demotions, selection for training, layoff, recall, doctors notes, terminations or discharge.	Fiscal year plus 5 years after employee leaves.	Age Discrimination in Employment Act
33	PERSONNEL REQUISITIONS – Forms and correspondence regarding filling of departmental positions including inquiries, resumes and applications.	Fiscal year plus 2 years.	District
34	EMPLOYEE LEAVES OF ABSENCE – Basic employee data including name, address, occupation, rate of pay, daily and weekly hours worked per pay period, additions to/deductions from wages and total compensation. Dates and hours of leave taken by eligible employees. Copies of employee notices and documents describing employee benefits or policies and practices regarding paid and unpaid leave. Records of premiums payments of employee benefits. Records of any disputes regarding the designation of leave.	Fiscal year plus 7 years.	Family Medical Leave Act and California Family Rights Act
35	OSHA Records		Title 8 of California Code of Regulations
	Illness and Prevention Program (§3203) a. Records of scheduled and periodic inspections required by §3203(a)(4) to identify unsafe conditions and work practices.	Fiscal year plus 2 years.	District 8 CCR § 32 03
	b. Employee safety and health training records.	Fiscal year plus 2 years.	District 8 CCR §3203
	c. Training records for employees who have worked for less than one year.	If retained, fiscal year plus 2 years.	District 8 CCR §3203

	Employee Exposure Records. (§3204) employee records relating to exposure to toxic substances.	Fiscal year plus 30 years.	District 8 CCR §3204
	Requests for accommodation of disability.	1 year after employee leaves, unless claim filed.	District
36	HEARING BOARD – Files relating to applications for variances, permit appeals, abatement orders.	Fiscal year plus 1 year after all source permits are canceled or expired.	Maintained by Clerk of the Board
37	BOARD FILES – Agendas, Minutes, Staff Reports, and written public comments.	Permanent. May be destroyed after 5 years if reproduced by authorized reproduction.	Maintained by the District Clerk of the Board Gov. Code §60203
38	COMMUNITY ADVISORY COUNCIL AGENDA ITEMS	Fiscal year plus 5 years after Council meeting.	District
39	PERMIT FILES – Includes Title V.	Fiscal year plus 3 years after all source permits are canceled or expired and no enforcement action is pending.	District
40	ENFORCEMENT AND COMPLIANCE FILES – Includes Title V.	Fiscal year plus 3 years after all source permits are canceled or expired and no enforcement action is pending.	District
41	AIR TOXICS FILES	Fiscal year plus 3 years after all source permits are cancelled or expired.	District
42	ASBESTOS FILES	Fiscal year plus 1 year after project notification.	District
43	COMPLAINT FILES	Fiscal year plus 5 years after complaint is received, unless enforcement case is pending.	District
44	COMPLIANCE VERIFICATION REPORTS AND EMISSION SOURCE TEST REPORTS	Fiscal year plus 5 years after date of submittal.	District
45	BURN PERMIT LOGS	Fiscal year plus 2 years after the date of issuance.	District
46	ANNUAL EMISSION INVENTORY REPORTS	Fiscal year plus 1 year after all source permits are cancelled or expired.	District
47	LAND USE FILES	Fiscal year plus 5 years after project is approved or denied.	District
48	AIR QUALITY MONITORING FILES	Fiscal year plus 5 years.	District

49	RULES FILES – District files related to adoption, amendment and repeal of District rules and regulations.	Permanent. If electronically reproduced, may be destroyed fiscal year plus 5 years.	Maintained by District Gov. Code §60201(d)(2)
50	INNOVATIVE TECHNOLOGY GROUP AND CARL MOYER PROGRAM GRANT FILES.	Fiscal year plus 7 years after grant is expired.	District. Carl Moyer 2008 Guidelines
51	CLEAN AIR PLAN FILES	Fiscal year plus 3 years after a plan is superseded, repealed or otherwise invalid or unenforceable.	District
52	PUBLIC RECORDS ACT REQUESTS	Fiscal year if granted, or fiscal year plus two years if request is denied.	District. Gov. Code §60201(d)(5)
53	DUPLICATIVE FILES (as defined in Gov. Code §60200.)	May be destroyed at any time.	Gov. Code §60200