

## **Records Retention and Destruction Policy**

**Adopted November 9, 2022**

### **Background/Purpose:**

The purpose of this policy is to:

1. Provide for the identification, management, safeguarding and destruction of LAFCO records and administrative documents in the normal course of business;
2. Ensure prompt and accurate retrieval of records;
3. Ensure compliance with legal and regulatory requirements;
4. Provide guidelines to staff regarding the management, retention and authorized destruction of LAFCO records and administrative documents; and
5. Provide transparent information to the public concerning LAFCO's retention and destruction of records and documents.

### **Policy Guidelines**

- I. The Commission hereby authorizes the Executive Officer and Deputy Executive Officer to administer this Records Retention and Destruction Policy and to cause to be destroyed any or all such records, papers, and documents that meet qualifications governing the retention and disposal of records and documents, specified below; to interpret and implement this Policy; and to consult with legal counsel as needed for the administration and implementation of this policy.
- II. This Policy is to be administered as authorized by Government Code § 56382 consistent with the following guidelines and requirements:
  1. Unless otherwise required by State or Federal law, the Commission delegates authority to the Executive Officer and the Deputy Executive Officer to maintain LAFCO Records, as defined in section III below, and administrative documents and to destroy any original records and documents subject to the following:
    - a. Duplicate records, papers or other documents may be destroyed if the original or photographic or electronic copy of the record, paper, or other document is retained in the files of the Commission consistent with this Policy.
    - b. Original records more than two years old may be destroyed if a photographic or electronic copy of the original record is made and preserved, provided the following conditions are met:
      - i. The record is reproduced on a medium that does not permit additions, deletions, or changes to the original document, or reproduced in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management for recording of permanent records or nonpermanent records, whichever applies.
      - ii. The device used to reproduce the record is one that accurately and legibly reproduces the original thereof in all details that does not permit additions, deletions, or changes to the original document images.

- iii. The reproductions are made accessible for public reference as the original records were.
  - iv. A true copy of archival quality of the reproduction shall be kept in a safe and separate place for security purposes.
- c. Documents that are drafts, notes, working papers and other papers used for controlling work or transitory files may be destroyed in the normal course of work by staff.

III. LAFCO Records, which are to be maintained indefinitely pursuant to Section 56382 of the Government Code, consist of the following documents:

- 1. All documents relating to Proposals for change of organization or reorganization, and out of area service requests, including the application, petition or initiating documentation, property tax exchange documentation, assessor's statement of property valuation, indemnification agreement, certificate of filing, California Environmental Quality Act review and findings, certificate of completion, map and boundary descriptions, notices, orders and resolutions of the Commission, staff reports and recommendations, statement of boundary change, statement of tax rate area;
- 2. All policies and rules approved by the Commission;
- 3. All meeting records, including agendas, minutes, staff reports, and resolutions;
- 4. All Municipal Service Reviews and Sphere of Influence determinations and updates and related correspondence; and
- 5. Any documentation identified by the Executive Officer, Deputy Executive Officer and/or the Commission to be retained as a record subject to Section 56382 of the Government Code.

IV. All other documentation that is administrative in nature shall be maintained as required by applicable law and/or as required by Appendix 1 (Retention Schedule) to this Records Retention and Destruction Policy.

V. The Executive Officer or Deputy Executive Officer shall:

- a. Review any documents before authorizing their destruction; and
- b. Update the Retention Schedule, as required, to maintain compliance with applicable law.

Records Retention and Destruction Policy – Appendix 1 Retention Schedule

	Documents	Hard Copy	Digital Record	Legal Authorities Citation
1	Records relating to any pending or potential claim, litigation, any settlement or other disposition of litigation.	Retain for 5 years after item has settled.		
2	Records that are subject of any pending request for records under the California Public Records Act (PRA).	Retain for 3 years after PRA has been fulfilled.		
3	Any unaccepted bid or proposal.	Retain for 2 years from the solicitation date.		
4	Contracts, including leases	For the term of the contract/lease. Plus, 5 years from the termination date.		Code of Civ. Proc. § 337
<b>Accounting Records</b>				
5	Journals, Ledgers, and Registers	Retain for 5 years from the fiscal year for which they were prepared.		
6	Payroll Registers	Retain for 7 years from the date of payment.		
7	Audit Reports/ Audited Financial Statements	Retain for 7 years from the fiscal year for which they were prepared.		
8	Actuarial Valuations for OPEB	Digital copy to saved on LAFCO Server.	Save digitally and retain for 10 years in digital form.	
9	Retirement Actuarial Valuations	Digital copy to saved on LAFCO Server.	Save digitally and retain for 10 years in digital form.	
10	Bank Statements	Retain for 2 fiscal years.	Scan digitally and retain for 10 years in digital form.	
11	Invoices	Retain for 3 fiscal years.	Scan digitally and retain for 10 years in digital form.	
12	Claim Expenses/Reimbursements	Retain for 3 fiscal years.		
<b>Payroll and Personnel Records</b>				
13	Personnel files and Medical Records	Retain for the length of employment, plus 3 years.		Labor Code § 1198.5; 29 C.F.R. 1627.3; 29 C.F.R. 825.500
14	Wage Garnishments	Retain while garnishment is active and until satisfied, plus 4 years after termination.		Gov. Code Section § 34090
15	Payroll Records	Retain for 7 years from the date of payment.	Scan digitally and retain.	29 C.F.R. 516.5, 516.6; Labor Code § 1174, 1197.5
16	Employment Applications	Retain for 4 years after the record or file has been created.		29 C.F.R. 1627.3
17	Employment Agreements	Retain for 5 years after termination.		
18	Retirement data/documents (Including contributions, rate changes, enrollment date, and other post employment benefits, pension records.)	Retain for 5 years after termination.	Scan digitally and retain for the duration of the pension payments and the post employment benefits, plus 3 years.	
19	Federal and State Tax documents (Including but not limited W-2s, 1099s, etc.)	Retain for 5 years after the close of the latest subject calendar year.		
<b>Audio/Video Media</b>				
20	Audio recordings of Commission Meetings	Retain for 5 years from the meeting date.	Host on LAFCO website for a year.	
<b>Statements of Economic Interest (SEI)</b>				
21	Filing Officers shall retain copies of statements or reports	Retain for 7 years from the year of filing.		Gov. Code § 81009