

RESOLUTION NO. 12R-18

RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY ADOPTING A PUBLIC RECORDS RETENTION AND DESTRUCTION POLICY

WHEREAS, The Board of Directors of the Bighorn-Desert View Water Agency desires to implement a policy for the retention of public records according to provisions of the Government Code and the California Public Records Act; and

WHEREAS, the Government Code allows for the destruction of some public documents under certain circumstances, except those that are prepared or received in a manner required by state statute; and

WHEREAS, this Resolution rescinds and repeals Policy No. 97P-08.

NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES:

Section 1: Purpose

As a result of the growth of the Agency and increase in the number of customers, the logistical demands of cataloging, storing and retrieving Agency records, documents, instruments, books and papers (collectively, "records") has caused an increase in the amount of staff time devoted to such tasks, and the Agency is running out of space within which to store its records. Therefore, it is the purpose of this Resolution to adopt guidelines governing the retention and disposal of Agency records, to ensure prompt and accurate retrieval of records and to ensure compliance with legal and regulatory requirements.

Section 2: Retention of Public Records

Agency records shall be kept in **either**: (a) its original paper form, or (b) electronically, provided that the electronic copy complies with the requirement of **Section 4** below. Whether kept in paper form or electronically, records shall be kept for the minimum period of time required by law (see **Section 5**, below), or until the record is no longer required, whichever period is longer. When one section of the policy conflicts with another, that which provides for the longer retention period will be honored.

Section 3: Expiration of Retention Period: Destruction of Records

Upon expiration of the retention period applicable to an Agency record, the record may be destroyed in one of the following two ways:

- A. **No Copy Retained, Permission Required:** if the record is proposed to be destroyed without retaining an electronic copy, or if the record is less than 2 years old, the record shall only be destroyed with the permission of the Agency General Counsel; or
- B. **Copy Retained, No Permission Required:** if the record is proposed to be destroyed but an electronic copy will be made and maintained according to the provisions of **Section 4** below, no permission to destroy the record is necessary.

Section 4: Requirements for Making Electronic Copies of Records

Agency records may be destroyed without the written consent of the Agency General Counsel if all of the following conditions are complied with:

- A. The record is electronically recorded in a trusted system that does not permit additions, deletions or changes to the original record; **and**
- B. The device used to reproduce the record is one which accurately and legibly reproduces the original thereof in all details and does not permit additions, deletions, or changes to the original document images; **and**
- C. A **second true electronic copy** of archival quality of the original version shall be kept in a safe and separate place for security purposes.

No page of any records shall be destroyed if any page cannot be reproduced electronically with full legibility. Every un-reproducible page shall be permanently preserved for the period of time required by law in a manner that will afford easy reference.

For the purposes of this Section, every reproduction shall be deemed to be an original record and a transcript, exemplification or certified copy of any reproduction shall be deemed to be a transcript, exemplification or certified copy, as the case may be, of the original.

Section 5: Retention of Agency Records by Service Category

Administrative Services:

Indefinitely:	Records affecting title to the Agency's real property (deeds, easements, etc.) Board of Directors Meeting Minutes Board Standing Committee Meeting Reports Board of Directors Meeting Audio and Video Records Ordinances and Resolutions Administrative Policy Manual (current policies only) Historical Documents <ul style="list-style-type: none">• Audits• Agency Organic Act and associated amendments• Master Plan, Feasibility Studies, Groundwater Management Plan, etc.
3 years:	Agenda Packets Applications for appointment to Boards, Commissions and Committees Membership in municipal organizations and groups Election petitions (initiative, referendum, recall and nomination) Press releases Public Information Request correspondence(s) (After PIR closed/completed) General correspondence
10 years	Service contracts (after expiration) Proof of Publication Statements of Economic Interest (Form 700) for designated employees Ethics Training (AB 1234) Certifications Joint Powers and Cooperative Agreements (after expiration)

Finance:

3 years	Accounts Receivable (Billing) Records <ul style="list-style-type: none">• Daily Meter Reading Journal• Record of Delinquent Billing• Month End Reports (e.g. Monthly Trial Balance, Pending A/R, Water Control Report, Customer Deposits on Account)• Taxes Receivable (general levy, Ad Valorem, Revenue bonds) Accounts Payable Records <ul style="list-style-type: none">• Monthly Bank Reconciliation• Cancelled checks• Bank statements• Vendor records Fixed Assets (following disposal of asset) General Correspondence
10 years	General Ledger Municipal Bonds (after pay-off) Insurance Policies (Workers' Compensation, Liability, E&O, etc.) California Public Employee Retirement System (CalPERS) Contracts (after expiration) Accounts Receivable Billing Register Accounts Receivable Closing Register Warrant register

Human Resources:

Indefinitely	Certain CalPERS records to determine benefits due
3 years	<p>Personnel Records (after employment has ended or upon vacating elected/appointed office)</p> <ul style="list-style-type: none">• Personnel files• Loyalty oaths• Safety Training Records• Federal Immigration (Form I-9) records• Minors' work permits• Internal investigations of employee misconduct <p>Medical (HIPPA) Records</p> <ul style="list-style-type: none">• Family and Medical Leave Act records• California Family Rights Act records• Medical insurance plans (expired) <p>Payroll Information</p> <ul style="list-style-type: none">• Time cards• Wage rate tables• Records of additions to or deductions from wages• Payroll records• Income Tax Withholding Records• Federal Unemployment Tax Records• FICA Contributions Records <p>Job applications (inc. job ads, test papers, physical exams <in HIPPA file>, etc.)</p> <p>Expired Insurance Policies</p> <p>General correspondence (employee memos, notices, etc.)</p>
10 years	<p>Occupational Injury and Illness</p> <ul style="list-style-type: none">• OSHA Log and Summary of Occupational Injury and Illnesses• Employees' Claims for Worker's Compensation Benefits• Employer's Report of Occupational Injury or Illness• Reports to the Division of Worker's Compensation• Doctor's First Report of Occupational Injury or Illness• All medical records and reports• WCAB Orders and Awards• Records of payment of compensation benefits• Worker's Compensation Claim Log• Copies of applications for adjudication of claim filed with the WCAB <p>CalPERS contracts and related documents (after expiration or termination)</p> <p>Illness and Injury Prevention Program inspection and training records</p>
30 years	<p>Records of employee exposure to hazards (e.g. toxic chemicals, high levels of noise, airborne contaminants and blood borne pathogens.)</p>

Information Systems:

3 years E-mails and correspondence

Planning:

Indefinitely Sphere of Influence
Annexations
Variances

3 years General correspondence
Recorded documents pertaining to private property (e.g. lot line adjustments, parcel mergers) (Note: these documents are normally recorded by the County of San Bernardino County Clerk)

10 years Environmental Impact Reports (EIR), California Environmental Quality Act (CEQA) Negative Declarations, Mitigated Negative Declarations, Categorical Exemptions
Grant documents
 (e.g. Community Development Block Grants, State and Federal grant documents)
Planning grants and other funding requests
 (unless other retention required by grantor)

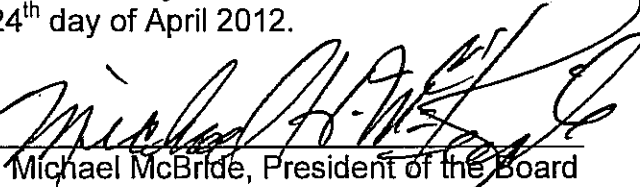
Public Works/Maintenance:

Indefinitely	As-built plans and drawings, Atlas Facility Maintenance Records <ul style="list-style-type: none">• Water Level Data• Water Quality Lab Reports• Major Repair/Refurbishment• Valve Exercising• Fire Hydrant Maintenance• Storage Reservoir Maintenance Customer Files by Assessor Parcel Number (e.g. application for water service, site detail drawings, correspondence, and maintenance records)
3 years	Preliminary notices Unaccepted bids and proposals to construct or install Unaccepted bids for professional services (e.g. design, inspection, etc.) Agency (miscellaneous) Service Orders General correspondence
3 years (after completion)	Accepted bids and proposals to construct or install or professional services Certified payroll Conditional waivers
10 years (after completion)	Performance and Maintenance Bonds Soils reports Hydrology reports Inspection logs Structural Calculation(s) Department of Public Health <ul style="list-style-type: none">• Sanitary Surveys• Citations
30 years	Department of Public Health <ul style="list-style-type: none">• Consumer Confidence Reports (CCR)• Lead and Copper Monitoring Reports (lab analysis, certifications)• State Certifications

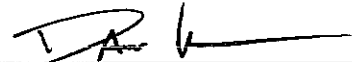
Risk Management:

10 years Claims and Litigation files (closed cases)

PASSED, APPROVED, AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 24th day of April 2012.

By 
Michael McBride, President of the Board

ATTEST:



David Larson, Secretary of the Board