

REGIONAL WATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : Operations
Policy Title : Records Inspection, Retention, Disposal, and
Storage Policy
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Records Inspection, Retention, Disposal, and Storage Policy

100.00 Purpose of the Policy

This document describes the Regional Water Authority's ("RWA") policy concerning records inspection, retention, destruction, and storage.

200.00 Inspection

200.10 Purpose and Scope

This section provides criteria for the inspection of records.

200.20 General

Public records of RWA are open to inspection during normal office hours and every person has a right to inspect these records.

200.30 Definitions

As used in this section:

- a. "Public Records" includes any writing containing information relating to the conduct of public business prepared, owned, used, or retained by RWA regardless of physical form or characteristics and which is not otherwise exempt from disclosure in accordance with applicable laws.
- b. "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof, and any record thereby

created, regardless of the manner in which the record has been stored. A Writing does not include a compilation of writings that was not created in the normal course of business.

200.40 Exemptions

Nothing in this section requires disclosure of the following records:

- a. Preliminary drafts, notes, or intra- or inter-agency memoranda not retained by RWA in the ordinary course of business, if the public interest in withholding such records clearly outweighs the public interest in disclosure;
- b. Records pertaining to pending litigation in which RWA is a party or to claims made pursuant to Division 3.6 (Commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;
- c. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- d. Geological and geophysical data, plant production data, and similar information relating to utility systems development obtained in confidence from any person;
- e. Test questions, scoring keys, and other examination data used to administer examinations for employment;
- f. The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by RWA relative to the acquisition of property, or to prospective supply and construction contracts, until such time as the property has been acquired or the contract agreement has been obtained. The law of eminent domain will not be affected by this provision;
- g. Records exempted or prohibited from disclosure pursuant to provisions of Federal or State Law, including, but not limited to, provisions of the Evidence Code relating to privilege;
- h. Data, plans, drawings, schematics, manuals and other documents related to the security and protection of members' water supplies;
- i. Private information pertaining to any director, employee or customer of a member agency that is explicitly exempt under Government Code sections 6254 and 6254.16 or that may be exempt because of personal safety or privacy concerns under Government Code section 6255,

including without limitation personal identifying information and private data such as social security numbers, confidential personnel and financial records, and members' water use data;

- j. Other records the disclosure of which is not required by law; and
- k. Computer software developed by or for RWA for internal use and not otherwise made available to the public except by selling, leasing or licensing such software for commercial or non-commercial use. Such proprietary computer software developed by RWA may include computer mapping systems, computer programs, and computer graphics systems.

200.50 Additional Public Records

Notwithstanding the foregoing, the following are public records of RWA:

- a. Every employment contract between RWA and a public official or public employee is a public record.
- b. Documents concerning an open session item of a noticed public meeting that are provided to all or a majority of the Board or a committee less than 72 hours before that meeting.

200.60 Justification for Withholding of Records

RWA will justify withholding a record by demonstrating the record is exempt under the express provisions of Government Code section 6254 (including the records listed above in section 200.40) or by demonstrating that the public interest served by not making the record available clearly outweighs the public interest served by disclosing the record. Written notice of intent to withhold records, stating the reasons for withholding the records and an estimated time for when RWA will furnish disclosable documents, will be provided to the person requesting the record within ten days of the request for inspection (or such later date designated by RWA upon written notice) as required by Government Code sections 6253, subdivision (c) and 6255, subdivision (b).

200.70 Copies of Records

- a. A person may obtain copies of identifiable records, preferably by written request on RWA's request form, although verbal requests are acceptable. The RWA Secretary is the custodian of RWA's records and will provide the requestor with copies of all requested records unless a record is in electronic form or in a specialized format, in which case RWA will provide the most accurate copy possible within the limits of available technology and the requestor's instructions and willingness to pay the appropriate costs to retrieve and reproduce copies of such non-standard records. Nothing in this Policy or in the Public Records Act requires the

District to provide copies of electronic documents in their native format when a paper copy would provide a sufficiently accurate reproduction of the contents of the document and ensure the security and integrity of the original record. Officers, agents and employees of RWA are not required to request records in compliance with this section when acting within the course and scope of employment or when holding office. If RWA is unable to provide requested copies within ten days of the request, it will advise the requestor in writing of the date when the record will be provided.

- b. The charge for plain paper standard black and white letter or legal size photocopies will be \$0.10 per page, which reflects RWA's direct copying costs. Large format documents, maps, color copies and similar specialized documents will be charged at cost, which RWA will determine and advise the requestor of and receive approval from the requestor before copying begins. Payment for all services is required at the time copies are provided, although RWA may require a deposit as provided below in subdivision (c) before beginning copying and/or sending the job to an outside copy service. In cases when RWA sends a job to an outside service, the copy service's actual charges for the job will be passed through to the requestor. A certified copy of each requested record will require an additional payment of \$3.00. No charge will be imposed for research.
- c. The RWA Secretary may require a person who desires to obtain copies of records to deposit an amount equal to the estimated fees for copying prior to receiving the records. The portion of the deposit not required will be refunded. If the deposit is insufficient, RWA may require the requestor to pay any balance of copying charges due before any records are released.

200.80 Public Counter Records

- a. Except for related writings exempt from public disclosure, RWA Secretary will maintain a duplicate copy of the last approved Board meeting minutes and the agenda and written materials distributed to the Board for discussion or consideration at the next scheduled Board meeting. These records will be maintained at the public counter located in RWA's administrative office. Public records discussed during a public meeting but not previously available will be made available before the commencement of discussion at such meeting or as soon thereafter as practicable. Public counter records also include those documents, if any, described in subdivision (b) of Section 200.50 of this Policy.
- b. No charge will be imposed for the use or review of the records described in this section. RWA will, however, impose a copy charge if a copy of a public counter record is requested.

- c. RWA may post on its website copies of certain public counter records, archived Board and Executive Committee meeting agendas and minutes, financial data, and other key Authority documents. Requestors are encouraged to view and obtain copies of available documents by visiting RWA’s website at: www.rwah2o.org.

200.90 Recording-Keeping

RWA’s Finance and Administrative Services Officer will maintain a record of requests for inspection that are denied and the reasons for the denial.

300.00 Retention, Disposal and Storage

300.10 Purpose and Scope

This section provides criteria for the retention, destruction, and storage of records.

300.20 Records Retention Schedule

This is RWA’s Records Retention Schedule, which was adopted by the Board of Directors by Resolution 07-04 in accordance with Government Code sections 12236 and 60201, subdivision (b)(2), and as may be amended from time to time. As provided by California law, RWA will retain, store and dispose of its records in accordance with this schedule and the requirements and procedures set forth in this policy.

R = Legally required retention period.

Until Converted = until converted to “Other Storage Medium Retention Period.”

<u>Title</u>	<u>Original Form Minimum</u>	<u>Other Storage Medium¹ Minimum</u>
<u>Title</u>	<u>Retention Period</u>	<u>Retention Period</u>
<u>Administration:</u>		
Correspondence	3 years	10 years
Policy and Procedures	7 years after cancellation	10 years
Formation/accreditation	Permanent Until Converted	Permanent R

¹ Microfiche, microfilm, computer disk or other permanent record in compliance with Government Code section 60203 (a) and (b).

Oaths of office/ballots/other official materials related to election or appointment of directors and officers	Term of Office + 7 years R	10 Years
Filings with Secretary of State Work Orders/ Time Sheets	Permanent Until Converted 3 years	Permanent R None
Form 700 Statements of Economic Interests	7 years after filing R	None

Board of Directors:

Agendas	3 years	10 years
Meeting Notices	3 years	10 years
Staff Reports	3 years	10 years
Board meeting minutes	Permanent Until Converted	Permanent R
Ordinances and Resolutions	Permanent	Permanent R
Conflict of Interest Code	Current + 3 years R	10 years
Board policies and procedures	Current + 3 years	10 years

Committees:

Agendas	3 years	10 years
Meeting notices	3 years	10 years
Minutes	Permanent Until Converted	Permanent R
Reports	3 years	10 years

Contracts:

Agreements and contracts	7 years following end of contract R	10 years
Requests for proposal and request for qualifications	Contract Termination + 5 years	None
Responses to requests for proposal and requests for qualifications	Contract Termination + 5 years R , but only for two years for all unaccepted proposals	None

Financial:

<u>Accounts payable</u>	All categories below - Audit + 2 years	7 years
Correspondence		
A/P ledger/distribution journal		
Cash disbursements		
Payroll/stipend payments	R	
Petty cash reports		
Expense reports	R	
Invoices	R	

Purchase orders	R	
Warrants	R	
<u>Accounts Receivable</u>	All categories below - Audit + 2 years	7 years
A/R register		
Aged trial balance		
Invoices		
<u>Audit Reporting</u>	All categories below - Audit + 2 years	7 Years
Correspondence		
Reports		
State Controller's report		
Work papers		
<u>Banking</u>	All categories below - Audit + 2 years	7 years
Correspondence		
Bank confirmations		
Bank reconciliations		
Bank statements		
Canceled and voided checks		
Deposit slips		
Signature authorization		
<u>Financial Reporting</u>	All categories below - 2 years	7 years
Correspondence		
Reports and studies		
Charts of accounts		
Treasurer's reports		
Accountant reports		
<u>Ledgers</u>	All categories below - Audit + 2 years	7 years
Account analysis		
Balance sheets		
General ledger		
Journal entries		
<u>Annual Budgets</u>	2 years	7 years
<u>Securities</u>		
Acquisition of securities	Until sold + 4 years	10 years
Annual statements	Until sold + 4 years	10 years
Broker/ bank receipts	4 years	10 years
Periodic statements	4 years	10 years
<u>Personal Property</u>		
Inventory		
Maintenance and inspection	Current + 4 years	None

logs	4 years	None
Computer licenses and documentation	Expiration/obsolescence	None
<u>Insurance:</u>		
Memoranda of coverage	Expiration + 5 years	10 years
Insurance policies	Expiration + 5 years	10 years
Endorsements	Expiration + 5 years	10 years
Certificates of insurance	Expiration + 5 years	10 years
Coverage opinions	Expiration + 5 years	10 years
Surety/Fidelity Bonds	Expiration + 5 years	10 years
<u>Legal:</u>		
General correspondence	3 years	10 years
Attorney correspondence	3 years	10 years
Claims and claims records	2 years after close of claim R , but only for two years	10 Years (rejection letters, settlement agreements and releases only)
Minor's claims	2 years from age of 18 R	10 Years (rejection letters, settlement agreements and releases only)
Litigation	2 years after litigation concludes R	10 Years (judgments, settlement agreements and releases only)
Opinions	7 years	10 Years
<u>Membership:</u>		
Membership records	7 years, Until Converted	10 Years
Program participation agreements	10 Years	10 Years
Appointment resolutions/letters	7 years Until Converted	10 Years
<u>Personnel:</u>		
Personnel files	Termination + 5 years	10 years
Job descriptions	Current + 2 years	None
Time sheets	Current + 4 years	None
Call reports and logs	Current + 4 years	None
Employment Agreements	Expiration + 4 years R	7 Years
Job advertisements and applications	2 years	None
I-9s and employment eligibility	3 years after hire or 1 year after termination, whichever is later	None

Real Property:

Deeds and other documents related to real property interests	Permanent, Until Converted	Permanent R
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Miscellaneous:

Other records Board or Executive Director determines to be of significant and lasting historical, administrative, financial, legal or research value	Permanent, Until Converted	Permanent
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Records not prepared by or received from a state or federal agency nor required to be maintained for a specified period pursuant to state or federal law	2 years	None
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Other records prepared or received pursuant to state or federal law, but not expressly required to be maintained	3 years	10 years
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Board meeting tape recordings	After Approval of Minutes by Board or 30 days, whichever is later R , if Authority chooses to record	None
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300.30 Retention of Other Records

- a. RWA must retain the following records, regardless of any different destruction policy or schedule as to any identified record or records specified in the records retention schedule set forth in section 2.2 above:
 - i. Any record of RWA that is the subject of a pending request made under the California Public Records Act, Government Code sections 6250 through 6276.48, until RWA has either (A) complied with the request or (B) waited at least two years after the record was withheld and written notice denying the request was provided to the requestor; **R**
 - ii. Documents related to public works not accepted by RWA or to which a stop notice claim may be legally presented; **R**
 - iii. Documents related to any non-discharged Authority debt; **R**

- iv. Any document that has not yet fulfilled the administrative, fiscal, or legal purpose for which it was created or received by RWA; and **R**
 - v. Any records required to be retained due to pending litigation, until the judgment is final. **R**
- b. RWA may dispose of the following records at any time, without maintenance of a copy:
- i. Duplicates, the original or a permanent photographic record of which is on file;
 - ii. Rough drafts, notes and working papers prepared or kept by any employee or accumulated in the preparation of a communication, study or other document, unless of a formal nature contributing significantly to the preparation of the document;
 - iii. Shorthand notebooks, telephone messages and inter-departmental notes;
 - iv. E-mails deleted and not maintained as RWA records in accordance with the Board's adopted Electronic Mail Management and Retention Policy, or any amended or successor policy.

300.40 Records Storage

All of the records referenced in this section will be maintained at RWA's Administrative office located at 5620 Birdcage Street, Suite 180, Citrus Heights, California 95610, or such other repository that RWA may designate from time to time. All records requests should be directed to RWA's administrative office at 5620 Birdcage Street, Suite 180, Citrus Heights, California 95610.

300.50 Records Disposal

RWA's Executive Director, or his or her designee, may destroy and discard, by any permanent method that protects the confidentiality of any privileged or confidential information contained therein, any Authority record after the expiration of the applicable retention period described in the above Records Retention Schedule.

400.00 SGA Records

Generally, records of the Sacramento Groundwater Authority ("SGA") are not records of RWA. RWA and SGA are separate public agencies that have their own governing body and JPA agreements providing for their purposes, powers, activities and governance. Except for certain documents related to

shared administrative services, RWA and SGA records are used, owned and retained only by the agency for which they were originally prepared. The fact that RWA and SGA records are stored in the same space and administered by the same staff does not transform a record created for and used and maintained by one agency into a record of the other agency. As a result, neither agency has the legal right or the obligation to disclose the records of the other agency without the consent of that agency. In cases when a member of the public submits a request for public records to RWA that might include SGA records within the scope of the request, staff will consult with the Executive Director and legal counsel to determine the appropriate response and scope of production.

500.00 Policy Review

This policy shall be reviewed at least once every four years.