

RESOLUTION NO. R.05-2008

**A RESOLUTION OF THE GOVERNING BOARD OF THE
BIG BEAR AREA REGIONAL WASTEWATER AGENCY
ADOPTING POLICIES FOR THE RETENTION AND
DESTRUCTION OF OBSOLETE RECORDS**

WHEREAS, Sections 60200 through 60203 of the California Government Code provide a procedure whereby the Big Bear Area Regional Wastewater Agency's ("Agency") records that have served their purposes and are no longer required may be destroyed; and

WHEREAS, the California State Legislature enacted and the Governor signed Assembly Bill No. 474 which amended sections 60201 and 60203 and repealed section 60202 of the Government Code, effective on January 1, 2005; and

WHEREAS, this Board of Directors is authorized by the provisions of Government Code Sections 60200 et seq., to establish a records retention schedule applicable to Agency records; and

WHEREAS, it is timely to repeal the existing records retention schedule of the Agency, and to restate said schedule by resolution to update the applicable records retention schedule for the Agency; and

WHEREAS, an appropriate records retention schedule assists the Agency by documenting which records require office or temporary storage, which records have historic or research value, and which records should be destroyed because they no longer have any administrative, fiscal or legal value.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Big Bear Area Regional Wastewater Agency as follows:

SECTION 1. Adoption of Exhibit "A" The Board of Directors hereby adopts the "Records Retention Schedule" for the Big Bear Area Regional Wastewater Agency, attached hereto as Exhibit "A."

SECTION 2. Adoption of Exhibit "B" The Board of Directors hereby adopts the "Big Bear Area Regional Wastewater Agency Retention and Destruction Policy," attached hereto as Exhibit "B."

SECTION 3. Findings. The Board finds that the record retention policy and schedule adopted in Exhibits "A" and "B" comply with the guidelines provided by the Secretary of State pursuant to Section 12236 of the Government Code, that classifies all of the Agency's records by category, and that establishes a standard protocol for destruction or disposition of records. The Board finds that the destruction of records according to said policy and schedule will not adversely affect any interests of the Agency or the public.

SECTION 4. Ongoing Authority. The General Manager shall have ongoing authority, without further approval by the Board of Directors and with the consent of the Agency’s Counsel provided herein, to authorize destruction of Agency’s records in accordance with Exhibits “A” and “B.”

SECTION 5. Potential Conflicts. To the extent that any conflicts arise between Exhibits “A” and “B” with respect to records of the Big Bear Area Regional Wastewater Agency, Exhibit “B,” the “Big Bear Area Regional Wastewater Agency Records Retention and Destruction Policy,” shall govern.

SECTION 6. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 10th day of December, 2008

SIGNED:

Elizabeth Harris, Chair
Big Bear Area Regional Wastewater Agency

ATTEST:

John Day, Secretary
Big Bear Area Regional Wastewater Agency

EXHIBIT "A"

Records Retention Schedule
for the Big Bear Area Regional Wastewater Agency

(See attached Schedule)

EXHIBIT “B”

“Big Bear Area Regional Wastewater Agency
Records Retention and Destruction Policy”

(See attached Policy)

BIG BEAR AREA REGIONAL WASTEWATER AGENCY RECORDS RETENTION AND DESTRUCTION POLICY

I. PURPOSE

The purpose of this policy is to provide guidelines to staff regarding the retention or destruction of records of the Big Bear Area Regional Wastewater Agency (the “Agency”); provide for the identification, maintenance, safeguarding and destruction of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

II. PROCEDURE

- A. The department head completes and signs a “Request for Destruction of Obsolete Records” form, listing the date and description of each document to be destroyed. A sample form is attached at the end of this policy. The department head submits the forms to the General Manager or designee.
- B. The General Manager or designee checks the documents listed on the submitted form to confirm that each document is: (1) not required to be permanently retained, or (2) has been retained for the legally required period of time. The General Manager also confirms that any applicable reproduction requirements (i.e., microfilming, etc.) for each document are complete.
- C. The General Manager or designee submits the form to department head, who reviews and signs the form and then returns the signed form to the General Manager.
- D. After receiving the signed form from the General Manager, the department head oversees the destruction of the documents, indicates the method of destruction on the form, signs the form and returns the original signed form to the General Manager.
- E. The General Manager will retain all original signed forms requesting destruction of records for a minimum period of two (2) years.

III. GENERAL GUIDELINES

- A. The General Manager or designee shall be responsible for the administration of this policy and shall assist the Agency personnel to comply with the provisions of this policy with the Records Retention Schedule for the Big Bear Area Regional Wastewater Agency.

- B. The following general guidelines apply to all Agency records.
 1. The General Manager, as authorized by the Board of Directors pursuant to Government Code section 60200, may authorize the destruction of any **duplicate** records at any time.

2. Pursuant to the resolution adopted by the Board of Directors, except where a record is expressly required to be preserved according to State law, the Agency may approve the destruction of any original document without retaining a copy of the document as long as the retention and destruction of the document complies with the retention schedule as set forth in this policy (Gov. Code § 60201).
3. In addition to the retention periods required under this policy, the Agency shall retain original administrative, legal, fiscal and/or historical records with continued value (i.e., records for long-term transactions and/or special projects) until all matters pertaining to such records are completely resolved or the time for appeals has expired. (Gov. Code § 14755, subd. (a); Gov. Code 34090).
4. Pursuant to Government Code section 60201, the Agency shall not destroy any of the following records:
 - (a) Records relating to the formation, change of organization, or reorganization of the Agency;
 - (b) Ordinances and resolutions, unless they have been repealed or have become invalid or otherwise unenforceable for five years;
 - (c) Minutes of any meeting of the Agency;
 - (d) Records relating to any pending claim, litigation, any settlement or other disposition of litigation within the past two years;
 - (e) Records that are the subject of any pending request for records under the California Public Records Act, whether or not the record is exempt from disclosure, until the request has been granted or two (2) years after the request has been denied by the Agency;
 - (f) Records relating to any pending construction that the Agency has not accepted or for which a stop notice claim may be legally presented;

32

- (g) Records relating to any nondischarged debt of the Agency;
- (h) Records relating to the title to real property in which the Agency has an interest;
- (i) Records relating to any nondischarged contract to which the Agency is a party;
- (j) Records that have not fulfilled the administrative, fiscal, or legal purpose for which they were created or received;
- (k) Unaccepted bids or proposals, which are less than two (2) years old, for the construction or installation of any building, structure or other public work;
- (l) Records less than seven (7) years old that specify the amount of compensation or expense reimbursement paid to the Agency employees, officers, or independent contractors.

IV. SPECIFIC GUIDELINES

A. Accounting Records

1. Accounting Records include, but are not limited to, the following:

(a) Source Documents

- Invoices
- Warrants
- Vouchers
- Requisitions/Purchase Orders (attached to invoices)
- Cash Receipts
- Claims (attached to warrants in place of invoices)
- Bank Statements
- Bank Deposits
- Checks
- Bills
- Various accounting authorizations taken from the Agency minutes, resolutions or contracts

33

(b) Journals

- Cash Receipts
- Accounts Receivable or Payable Register
- Check or Warrant Register
- General Journal
- Payroll Journal

(c) Ledgers

- Expenditure
- Revenue
- Accounts Payable or Receivable Ledger
- Assets/Depreciation
- Warrants Payable
- Construction
- General Ledger

(d) Trial Balance

(e) Adjusting Entries

(f) Statements (Interim or Certified – Individual or All Fund)

- Balance Sheet
- Analysis of Changes in Available Fund Balance
- Cash Receipts and Disbursements
- Inventory of Fixed Assets (Purchasing)

(g) Journal Entries

(h) Reversing Entries

(i) Payroll and personnel records include but are not limited to the following:

- Accident reports, injury claims and settlements
- Applications, changes or terminations of employees
- Earnings records and summaries
- Fidelity bonds
- Garnishments
- Insurance records of employees
- Job descriptions
- Medical histories
- Retirement
- Time Cards

(j) Other

- Inventory Records (Purchasing)
- Capital Asset Records (Purchasing)
- Depreciation Schedule
- Cost Accounting Records

2. General ledgers must be permanently retained. (Sec. of State Local Gov't Records Mgmt. Guidelines).
3. In general, the Agency should retain original source documents that are detailed in a register, journal, ledger or statement **Until audited plus seven (7) years**. Certain source documents may be retained for a shorter period of time. Refer to the Records Retention Schedule for specific accounting documents.
4. The Agency may destroy rough drafts, notes, working papers (except for audits), and temporary or transitory documents used for controlling the flow of work (i.e. cover sheets) at any time.
5. In addition to any required legal retention period, the Agency shall not authorize the destruction of any record subject to audit until it has been determined that the audit has been performed. (Gov. Code § 14755, subd.(b); Gov. Code § 34090).

B. Long-Term Debt Records

1. The Agency may destroy paid bonds, warrant certificates and interest coupons after **two (2) years** if detailed payment records are retained for **ten (10) years**.
2. The Agency may not destroy any documents relating to any nondischarged debt. (Gov. Code § 60201, subd. (d)(7)).

C. Agency Records

1. The Agency shall retain original records of the minutes of meetings of the Board of Directors **indefinitely**. (Gov. Code §§ 34090; 60201).
2. The Agency shall retain original ordinances and resolutions adopted by the Board **indefinitely**. (Gov. Code § 60201).

D. Statements and Reports Filed Pursuant to the Political Reform Act

1. Filing officers shall retain original campaign statements and reports for **seven (7) years**. (Gov. Code § 81009 (c), (e)).
2. Filing officers shall retain copies of statements or reports for **four (4) years**. The officer does not have to keep more than one copy of a statement or report. (Gov. Code § 81009 (f)).

E. Contracts

1. The Agency shall retain original contracts for **four (4) years** after the end of the contracts. (Code of Civ. Proc. § 337).
2. The Agency shall retain contracts with any person or entity who develops real property or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or improvement to real property for **ten (10) years** after the completion of the construction or improvement. (Code of Civ. Proc. § 337.15).

F. Property Records

The Agency shall retain original property records, such as title documents, **indefinitely**, or until the property is transferred or otherwise no longer owned by the Agency. (Gov. Code §§ 34090, 60201).

36

G. Payroll and Personnel Records

1. Payroll and personnel records include, but are not limited to, the following:
 - Accident reports, injury claims and settlements
 - Medical histories
 - Injury frequency charts
 - Application, changes and termination of employees
 - Insurance records of employees
 - Time cards
 - Job descriptions
 - Performance or rating documents
 - Earning records and summaries

Records specifying amounts of compensation or expense reimbursement paid to Agency employees, officers, or independent contractors must be retained for seven (7) years after date of payment. (Gov. Code § 60201).

2. The Agency shall retain personnel files for **three (3) years** after an individual's employment terminates. (29 CFR 1627.3).
3. The Agency shall retain medical records of employee for **thirty (30) years beyond the length of employment**. Medical records include records made or maintained by a physician, nurse, or other health care personnel or technician pertaining to employees exposed to toxic substances or harmful physical agents.

Medical records do NOT include first aid records for one-time treatment made on-site by a non-physician or observation of minor scratches, cuts, burns, splinters, etc, which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job. (For employees who are employed by the Agency for less than one year, the Agency does not need to retain the employee's medical records if the Agency provides the employee with such records upon termination of employment. (29 CFR 1910.1020; 8 Cal. Code Regs. § 3204).

4. The Agency may destroy personnel fidelity bonds **two (2) years** after termination and wage garnishments **three (3) years** after termination.

37

5. The Agency shall retain payroll records containing the name, address, date of birth, sex, job classification, hours worked, and regular and overtime wages for each employee for **three (3) years** beyond the length of employment and **seven (7) years from date of payment**. (29 CFR Part 516.5; Labor Code §§ 1174, 1197.5; Gov. Code § 60201). Payroll registers listing labor costs and hours worked by employee and program must be kept **permanently**. (Sec. of State Local Gov't Records Mgmt. Guidelines).
6. The Agency shall retain basic time and earning cards or sheets on which are entered daily starting and stopping time of individual employees for **six (6) years**. (29 C.F.R. Part 516.6; 8 Cal. Code Regs. §§ 11000-11150; Labor Code § 1174; Sec. of State Local Gov't. Records Mgmt. Guidelines).
7. The Agency shall retain employment applications and employment referral records and files for **two (2) years** after such records or files are created. (Gov. Code § 12946; 29 CFR 1627.3).
8. The Agency shall retain records regarding the race, sex, and national origin of each applicant and for the job for which such applicant applied for **two (2) years** from the date of the making of the record or the date of the personnel action involved, whichever occurs later. The Agency may either retain the original documents used to identify applicants, or keep statistical summaries of the collected information. (2 Cal. Code Regs. § 7287.0).
9. The Agency shall retain any records pertaining to any payments, loans, promises or agreements by the Agency to any labor organization or representative of a labor organization for **five (5) years**. (29 USC. § 436).

H. Construction and Engineering Records

1. The Agency shall retain certain original construction records, such as bids, correspondence, and change orders, for **four (4) years** after the project completion, unless the records pertain to a project which includes a guarantee or grant in which event they shall be retained for the **life of the guarantee or grant plus four (4) years**. The Agency shall retain as-build plans for any public facility or works as long as the facility exists.
2. The Agency may destroy unaccepted bids or proposal for public works after **two (2) years**. (Gov. Code § 60201).

3. The Agency shall retain supporting documents on capital improvement projects, including bidders lists, specifications, reports, plans, work orders, schedules, etc., for **ten (10) years after project completion**. (Code of Civ. Proc. § 337.15).

38

I. Exposure/Safety Records and Material Safety Data Sheets (MSDS)

1. The Agency shall retain employee exposure records and exposure assessment records for at least **thirty (30) years**. Such records should reveal the identity of the toxic substance or harmful physical agent and where and when such substance or agent was used. (8 Cal. Code Regs. § 3204).
2. The Agency may destroy the material safety data sheet (MSDS) for a hazardous substance after the Agency stops using the hazardous substance provided it keeps a record of the substance (chemical name if known) and when and where it was used for **thirty (30) years**. (8 Cal. Code Regs. § 3204(d)(1)(B)(2)).

J. Video Monitoring, Telephone and Radio Communications; Other Video and Audio Recordings

1. The Agency shall retain recordings of **routine video monitoring** (i.e., building security taping systems) for at least **one (1) year**. After the one year retention period, the Agency may destroy the video recording upon approval by the General Manager. (Gov. Code §§ 34090.6, 53160).
2. Upon authorization the Agency, recordings of telephone and radio communications maintained by the Agency may be destroyed after **100 days**. (Gov. Code §§ 34090.6, 53160).
3. If the Agency keeps other record, such as written minutes, of an event that is recorded on video tape (other than Board of Directors meetings), the Agency must keep the video tape recording of the event for **at least 90 days** after the occurrence of the event. **After 90 days**, the video tape may be destroyed or erased, upon approval by the General Manager. (Gov. Code § 34090.7).
4. If the Agency makes or directs the making of recordings of Board of Directors meetings, such as video tapes, the Agency must keep the recording for **at least thirty (30) days** after the meeting date. (Gov. Code § 54953.5, subd. (b)).
5. When an audio tape recording of a meeting (i.e., Agency) is made solely to facilitate the preparation of minutes for that meeting, the tape recording may be destroyed or erased after it is no longer required and after the minutes for that meeting have been approved. (Gov. Code § 34090; 64 Ops. Atty. Gen. 317).
6. Other audio or video tape recordings which are not related to the conduct of the public's business (i.e., educational or promotional videos) are not considered to be official Agency records and may be destroyed after they are no longer required, upon approval by the General Manager. (Gov. Code §§ 6652, subd. (e); 34090).

39

V. RECORDS RETENTION SCHEDULE

The "Records Retention Schedule for the Big Bear Area Regional Wastewater Agency" is incorporated herein by reference. This policy and the Records Retention Schedule for the Big

Bear Area Regional Wastewater Agency comply with the records retention guidelines provided by the California Secretary of State and may be updated from time to time.

BIG BEAR AREA REGIONAL WASTEWATER AGENCY

To: General Manager
From: Department Head
Subject: Request for Destruction of Obsolete Records

I am requesting approval to destroy the obsolete records listed below:

DATE OF RECORD	DESCRIPTION OF RECORD

APPROVED:

Department Head

Date

General Manager

Date

The obsolete records described above were destroyed under my supervision using the following method: Shredding Burning Other (specify method)

I certify that such destruction meets the requirements of the Records Retention and Destruction Policy of the Big Bear Area Regional Wastewater Agency and all applicable requirements of State and Federal law.

General Manager

Date of Records Destruction