

RESOLUTION NO. 2230

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTECITO WATER DISTRICT
ADOPTING A REVISED RECORDS RETENTION AND DESTRUCTION
POLICY**

WHEREAS, Government Code Section 60201 authorizes the Board of Directors of Montecito Water District to adopt and comply with a record retention schedule; and

WHEREAS, Government Code Section 60201 permits the Board of Directors of Montecito Water District to authorize the destruction or disposition of any category of records; and

WHEREAS, a “Records Retention and Destruction Policy” (“Policy”) was adopted on May 17, 2016 by Montecito Water District which classifies the District’s records by category and establishes a standard protocol for destruction or disposition of records;

WHEREAS, the Montecito Water District wishes to revise the Policy to further accommodate the implementation of video and/or audio recording technology in the conduct of specified District meetings;

NOW, THEREFORE, BE IT RESOLVED:

1. That the revised Policy, which is attached to this Resolution as Exhibit A and incorporated herein by this reference, be adopted by the District; and
2. That the destruction or disposition of records in accordance with the revised Policy will not adversely affect any interest of the District or of the public; and
3. That the District will maintain a list, by category, of the types of records destroyed or disposed of pursuant to the revised Policy that reasonably identifies the information contained in the records in each category.

Voted on the resolution by roll call resulted as follows:

AYES: Coates, Goebel, Hayman, Plough, Wicks

NOES:

ABSENT:

ABSTAIN:


PASSED AND ADOPTED THIS 26th day of April, 2022.

ATTEST:



Nicholas Turner, Secretary

APPROVED:



Tobe Plough, Board President

Exhibit A to Resolution 2230

MONTECITO WATER DISTRICT
RECORDS RETENTION AND DESTRUCTION POLICY
(ADOPTED 4/26/22)

I. PURPOSE

The purpose of this Records Retention and Destruction Policy (“Policy”) is to provide guidelines to staff regarding the retention or disposal of Montecito Water District (“District”) records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; and ensure compliance with legal and regulatory requirements including Government Code §§60200 – 60204.

The Board of Directors authorizes the General Manager, and or the designee of the General Manager (hereinafter collectively referred to as “General Manager”), to interpret and implement this Policy and to cause to be destroyed any and all records, papers and documents that meet the specifications set forth herein. The destruction or disposition of records pursuant to this Policy will not adversely affect any interest of the District or of the public. The District will maintain a list, by category, of the types of records destroyed or disposed of under this Policy that reasonably identifies the information contained in the records in each category.

II. GENERAL GUIDELINES

The following general guidelines apply to all Montecito Water District records:

- A. The District shall retain all original documents for at least two years.
- B. Except where a longer retention period is required under this Policy, or where required by law including Government Code §60201, after two years, the District may destroy any original document without the District retaining a record or copy of those documents.
- C. Except where this Policy, or law, provides that an original document shall be retained, the District may retain records in electronic media meeting the following requirements:
 1. Pursuant to Government Code §60203, the item must be photographed; microphotographed; reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions or changes to the original document in compliance with Government Code §12168.7; and

2. The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one that accurately reproduces the original thereof in all details and does not permit additions, deletions, or changes to the original document images; and
 3. The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are placed in conveniently accessible files, and provision must be made for preserving, examining and using the files.
 4. Every reproduction stored as electronic media shall be deemed to be an original record and a transcript, exemplification, or certified of any reproduction shall be deemed to be a transcript, exemplification, or certified copy, as the case may be, of the original.
- D. Pursuant to Government Code §60201, the District may not destroy or dispose of any record that is any of the following, unless a reproduction in electronic media has been made as set forth in Section C of this Policy:
1. Relates to formation, change of organization, or reorganization of the District.
 2. An ordinance adopted by the district. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of pursuant to this section five years after it was repealed or became invalid or unenforceable.
 3. Minutes of any meeting of the legislative body of the district.
 4. Relates to any pending claim or litigation or any settlement or other disposition of litigation within the past two years.
 5. Is the subject of any pending request made pursuant to the Public Records Act (Chapter 3.5 (commencing with Section §6250) of Division 7 of Title 1), whether or not the district maintains that the record is exempt from disclosure, until the request has been granted or two years have elapsed since the district provided written notice to the requester that the request has been.
 6. Relates to any pending construction that the district has not accepted or as to which a stop notice claim legally may be presented.
 7. Relates to any non discharged debt of the district.
 8. Relates to title to real property in which the District has an interest.

9. Relates to any nondischarged contract to which the district is a party.
10. Has not fulfilled the administrative, fiscal, or legal purpose for which it was created or received.
11. Is an unaccepted bid or proposal, which is less than two years old, for the construction or installation of any building, structure, or other public work.
12. Specifies the amount of compensation paid to district employees or officers or to independent contractors providing personal or professional services to the district, or relates to expense reimbursement to district officers or employees or to the use of district paid credit cards or any travel compensation mechanism. However, a record described in this paragraph may be destroyed or disposed of pursuant to this section seven years after the date of payment.

III. SPECIFIC GUIDELINES

The following specific guidelines apply to the District records set forth below:

A. Accounting Records

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

1.	Source Documents	Invoices, purchase orders, deposit permits, warrants, vouchers; requisitions; receipts, claims; bank statements; bank deposits; checks; bills, various accounting authorizations taken from Board minutes, resolutions or contracts.
2.	Journals	Cash receipts or disbursements book; note register deposit permit register; accounts receivable or payable register, check or warrant registers general journal; payroll journal.
3.	Ledgers	Expenditure; revenue; taxes receivable, accounts payable or receivable ledger; warrants payable, construction, appropriation; general ledger.
4.	Trial Balance	
5.	Adjusting Entries	
6.	Statements	Balance sheet; analysis of changes in available fund balance; cash receipts and disbursements; expenditures; revenues; changes in bonded indebtedness, profit and loss; changes in fixed assets.
7.	Closing Entries	
8.	Reversing Entries	
9.	Other	Schedule of investments; inventory records; capital asset records; lease-purchaser records; depreciation schedule; cost accounting records; budgets; petty cash records.

The District shall retain original accounting records for five years. After that the District may destroy original accounting records, except journals, ledgers and statements, if:

- a) There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigation, etc.; and
 - b) There exists in a permanent file an audit report(s) covering the inclusive period of the record; and
 - c) The audit report(s) meets the requirements of section 26909 of the California Government Code and other State and Federal laws; and
 - d) The audit(s) contains the expression of an unqualified opinion.
2. The District may destroy the original journals, ledgers and statements after five years if it retains an electronic media reproduction in accordance with District Policy.
 3. The District may destroy the original billing register and final billing register after five years if it retains an electronic media reproduction in accordance with District Policy.
 4. The District may destroy any original accounting record created for a specific event or action five years after said event has in all respects terminated.
 5. The District may destroy any original source document that is detailed in a register, journal, ledger or statement five years from the end of the fiscal period to which it applies.
 6. The District may destroy rough drafts, notes, working papers (except audit), cards, listings, nonpermanent indices, and papers used for controlling work or transitory files at any time.
 7. The destruction of any record subject to audit is not authorized until a determination has been made that the audit has been performed and completed.

B. Long-Term Debt Records

1. The District may destroy the original records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc. after issuance or execution, if it retains an electronic media reproduction in accordance with District Policy.

2. The District may photograph and destroy the original records of the terms and conditions of bonds, warrants and other long-term agreements after final payment, if it retains an electronic media reproduction in accordance with District Policy
3. The District may destroy paid bonds, warrant certificates and interest coupons after six months if it retains an electronic media reproduction in accordance with District Policy

C. Minutes of the Board of Directors Meetings

1. The District may destroy the original minutes of District meetings if it retains an electronic media reproduction in accordance with District Policy.
2. The District may destroy the original resolutions and ordinances adopted by the District if it retains an electronic media reproduction in accordance with District Policy.

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

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

E. Contracts

1. The District shall retain original contracts for a minimum of four years after the end of the contracts. (Code of Civ. Proc §337)
2. The District 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 a minimum of ten years after the completion of the construction or improvement. (Code of Civ. Proc. § 337.15)

F. Property Records

The District shall retain original property records, such as title documents, indefinitely, or until the property is transferred or otherwise no longer owned by the District.

G. Assessing and Tax Records

1. The District may destroy, all assessing records or any document containing information obtained from taxpayers after a minimum of seven years from the lien date. (Rev. & Tax. Code §465.)
2. The District, with the District Manager's approval, may destroy all tax rolls after a minimum of twelve years, if the necessary data from secured delinquencies is transferred to a delinquency abstract which the District shall retain indefinitely. The abstract may be kept on an electronic media reproduction in accordance with District Policy.

H. Payroll and Personnel Records

Payroll and personnel records include, but are not limited to, the following: accident reports, injury claims and settlements; medical histories; injury frequency charts, applications, changes and terminations of employees; insurance records of employees; time cards; job descriptions; performance or rating documents, earning records and summaries, and retirements.

1. The District shall retain personnel files for four years after an individual's employment terminates. (Code of Civ. Proc. §337.)
2. The District need not retain health insurance claims maintained separately from the District's medical program and its records, first aid records for onetime treatment and subsequent observation of minor injuries, or medical records of employees who have worked less than a year if the District provides the employee with the records upon termination of employment. (8 Cal. Code Regs. §3204.)
3. The District may destroy fidelity bonds and garnishments five years after they expire.
4. The District 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 at least three years. (29 C.F.R. Part 516; Cal. Labor Code §1174, § 1197.5.)
5. The District shall retain basic time and earning cards or sheets on which are entered daily starting and stopping time of individual employees for at least two years. (29 C.F.R. Pan 516.)
6. The District shall retain employment applications and employment referral records and files for at least two years after such records or files are created. (Gov't Code §12946.)
7. The District shall retain records regarding the race, sex, and national origin of each applicant and for the job for which such applicant

applied for at least two years from the date of the making of the record or the date of the personnel action involved, whichever occurs later. The District may either retain the original documents used to identify applicants, or keep statistical summaries of the collected information. (2 Cal. Code Regs. §7287.0.)

8. The District shall retain any records pertaining to any payments, loans, promises or agreements by the District to any labor organization or representative of a labor organization for at least five years. (29 U.S.C. §436.)

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

1. The District shall retain employee exposure records and exposure assessment records for at least thirty years. (8 Cal. Code of Regs. § 3204.) The District may destroy the original records after at least two years and retain an electronic media reproduction in accordance with District Policy.
2. The District may destroy background data to work-place monitoring after two years provided a summary of relevant data is retained for at least thirty years. The summary must contain the sampling results, the collection methodology (sampling plan), a description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the results. (8 Cal. Code of Regs. § 3204(d)(1)(B)(1.)) The District may destroy the original summary after two years and retain an electronic media reproduction in accordance with District Policy.
3. The District may destroy the material safety data sheet (MSDS) for a hazardous substance after the District 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 at least thirty years. (8 Cal. Code of Regs. §3204(d)(1)(B)(2.)) The District may destroy the original record after two years and retain an electronic media reproduction in accordance with District Policy.

J. Construction and Engineering Records

1. The District may destroy original construction records for non-pending projects, such as bids, correspondence, and change orders, after at least seven years 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 seven years.
2. The District may destroy unaccepted bids or proposals for public works after at least two years. (Govt Code §60202.)

3. The District shall retain as-built plans for any public facility or works as long as the facility exists.

K. Water Quality and Treatment Records

1. The District shall retain original treatment plant records for at least three years, except where the State Board has determined that longer retention times are necessary to complete legal actions taken under the provisions of Health and Safety Code sections 116625 through 116675 and sections 116725 through 116730. (22 Cal. Code Regs. §64662)
2. The District shall retain original operation logs and charts for at least seven years.

L. Customer Records

1. The District may destroy the following records, provided there is no continuing need for such records (e.g. pending litigation or Public Records Act request), if dated at least two years prior to the commencement of the current fiscal year:
 - a) Customer bill payment stubs
 - b) Meter reading records
 - c) Customer account adjustment forms
 - d) Meter maintenance record forms
 - e) Service discontinuance for nonpayment records
2. The District shall retain customer deposit forms for the life of the account, after which an electronic media reproduction in accordance with District Policy shall be made.

M. Hazardous Materials Records

The District shall retain all documentation regarding the disposal and treatment of hazardous substances, including hazardous waste manifests, indefinitely. The District may destroy the original documentation after two years and retain an electronic media reproduction in accordance with District Policy.

O. District Recordings

1. Video and audio recordings shall be made for all meetings of the Board of Directors and for such other meetings that are specifically requested by the Board of Directors to be recorded. Meetings of District standing committees shall not be video or audio recorded unless specifically requested by the Board of Directors.

2. The District shall retain video and audio recordings for 90 days after the occurrence of the event recorded. After 90 days, the District shall destroy the recordings if the District makes another record, such as written minutes, of the event which is recorded. (Gov't Code §53161.)
3. The District may destroy recordings of telephone and radio communications maintained by the District after 100 days. (Gov't Code § 53160.)