RESOLUTION NO. 2023-08-30-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SALTON COMMUNITY SERVICES DISTRICT ADOPTING A RECORDS RETENTION POLICY

WHEREAS, The Salton Community Services District is a Community Services District subject to the Community Service District Law, Government Code Section 61000 et seq.

WHEREAS, as public agency the District is subject to requirements for disclosure of records under the California Public Records Act, Government Code Section 7920 et seq.

WHEREAS, a Records Retention Policy defining the period of time that public records must be maintained is beneficial to guide staff regarding the time period that certain records regarding the public's business must be maintained and to assure that to public has access to various records for certain periods of time relevant to the records and in some cases in perpetuity;

WHEREAS, the District is in need of a new records retention policy to supersede prior versions and to assure that the records of the district are retained for the benefit of the public and to assure legal compliance in different areas of administration and management;

NOW, THEREFORE, BE IT RESOLVED that the Salton Community Services District adopts the Records Retention Policy attached hereto as Exhibit "A"; and

RESOLVED FURTHER, any Records Retention Policy of the District prior to the date of the Resolution shall be of no further force or effect;

PASSED AND ADOPTED by the Salton Community Services District at a regular meeting held on the 30th day of August 2023, by the following vote:

~	YES	NO
Michelle Gilmore, President	$\overline{\lambda}$	
Michael Friese, Vice President	K	
Manuel H. Ramos, Director	×	>
Dale Johnson, Director	K	
Lidia Sierra, Director	X	
	Cital	el signe
ATTEST:	Michelle Gil	more, President of the Board of Directors
the land		
Sonia Thania Garcia, Secretary of the	ne Board of Dir	ector

EXHIBIT "A" (ATTACH RECORDS RETENTION POLICY)

RECORDS RETENTION POLICY

The Salton Community Services District (District) adopts the following policy for the disclosure, retention, and destruction of District records:

PUBLIC RECORD ACCESS

Policy and Definitions

Policy: It is the policy of the District to open public records for inspection during normal business hours. Public records are all records of the District except those that are exempted from disclosure under the California Public Records Act (Government Code sections 6250 et seq.). The following sections present a summary of pertinent portions of the California Public Records Act for the convenience of District staff and the public. In the case of a conflict between this summary and the provisions of the California Public Records Act (Act), as the Act may be amended from time to time, the provisions of the Act supersede.

Public Records: Include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the District regardless of physical form or characteristics.

Writing: Means any handwriting, typewriting, printing, photostatting, 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 which the record has been stored.

Records Exempt from Disclosure

In accordance with Government Code section 6254, the following is a list of common records that are exempt from disclosure and shall not be disclosed. These include, but are not limited to:

- a. Preliminary drafts, notes or interagency or intra-district memoranda which are not retained by the District in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
- b. Records pertaining to pending litigation to which the District is a party, or to claims made under the California Government Claims Act (Government Code section 810 et seq.) or pursuant to Division 3.6 of Title 1 of the Government Code, and all other relevant law, until such litigation or claim has been finally adjudicated or otherwise settled;

- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, including any information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA);
- d. Geological and geophysical data, plant production data and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person;
- e. Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination;
- f. The contents of real estate appraisals or engineering feasibility estimates, and evaluations made for or by the District relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreements obtained, provided, however, the law of eminent domain shall not be affected by this provision;
- g. Information required from any taxpayer in connection with the collection of local taxes, which is received in confidence, and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying such information;
- h. Library and museum materials made or acquired and presented solely for reference or exhibition purposes;
- Records, the disclosure of which is exempted or prohibited pursuant to any other provisions of federal or state law, including but not limited to provisions of the Evidence Code relating to privilege;
- j. Documents prepared by local agencies (including the District) that assess the vulnerability of the local agency to terrorist attack or other criminal acts intended to disrupt the public agency's operations and that is for distribution or consideration in a closed session;
- k. Critical infrastructure information, as defined in section 131(3) of Title 6 of the United States Code, that is voluntarily submitted to the California Emergency Management Agency for use by that office, including the identity of the person who or entity that voluntarily submitted the information;
- Memoranda submitted to the District's Board of Directors by its legal counsel pursuant to Government Code section 11126 or section 54956.9 until the pending litigation has been finally adjudicated or otherwise settled. Such memoranda shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled;

- m. In order to protect against the risk of identity theft, the District shall redact social security numbers from records before disclosing them to the public;
- n. Records pertaining to a utility customer, except governmental or law enforcement agencies when appropriate, or unless disclosure is specifically required by law;
- o. The District is prohibited from allowing public access to trade secrets. "Trade secrets" as used in this context may include, but is not limited to, any formula or formulation, plan, pattern, process, tool mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it; and
- p. All records, memoranda, correspondence, or writings of any kind submitted to or from the District or its Board of Directors by or to District's legal counsel pursuant to the attorney-client privilege.

Government Code section 6255 allows the District to withhold from inspection any record that is exempt under the express provisions of the Act, including those items set forth above, and further allows the District to withhold any other record if on the facts of the particular case the public interest served by not disclosing a record clearly outweighs the public interest served by disclosure of the record.

<u>Procedures for Access to Public Records</u>

The District General Manager shall determine whether the requested record is subject to inspection. If the request concerns the personnel file or personal information of an employee, or if the District General Manager is uncertain whether the record is exempt from disclosure under the Act, or whether on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record, he/she shall consult with legal counsel for the District.

Inspection of public records shall be made only in the District offices and in a manner acceptable to the District, and no document shall be removed therefrom. A representative of the District may be present during the inspection of any records.

The District will make every effort to cooperate with the persons seeking to inspect documents; however, if the request is to inspect a substantial quantity of documents or documents not readily available, the District shall have a reasonable period of time to collect such records and may require the inspection of such records to take place at a future date or dates.

A request for a copy of an identifiable public record or information produced therefrom, or a certified copy of such record shall be accompanied by payment of a reasonable fee to cover the direct cost of copying the record.

The District will notify the requester in writing within 10 calendar days of the request, advising whether or not the agency has the records sought and whether they are wholly or partly available for disclosure, or if the District needs additional time to respond. The time for notice may be extended up to an additional 14 days in unusual circumstances – for example, where the District needs to search for and collect the requested records from field facilities or other offices, where the District needs to search for, collect, and examine voluminous records, or where the District needs to consult another agency or to compile data.

Computer Stored Information

Information that constitutes a public record does not lose its public record status because it is stored in a public agency's computer, pursuant to Government Code section 6252 (e) and (g). Records stored on the District's computer must be disclosed according to the provisions of the Public Records Act (Government Code section 6253.9).

Unless otherwise prohibited or restricted by law, where the District has information that constitutes an identifiable public record not exempt from disclosure that is in an electronic format, the District will make that information available in an electronic format when requested by any person. In addition, where applicable, the District will comply with the following:

- a. The District will make the information available in any electronic format in which it holds the information.
- b. The District will provide a copy of the electronic record in the format requested if the requested format is one that has been used by the District to create copies for its own use or for provision to other agencies. The charge to the requesting person shall be limited to the direct cost of producing a copy in an electronic format.

The District will charge the requesting party the cost of producing a copy of the record, including the cost to construct a record and the cost of programming and computer services necessary to produce a copy of the record, when either of the following applies.

- The District would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.
- b. The request would require data compilation, extraction, or programming to produce the record.
 - If the request is for information in other than electronic format, and the information also is in electronic format, the District may inform the requester that the information is available in electronic format.

The District need not release an electronic record in the electronic form in which it is held by the District if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software on which it is maintained.

Agendas of Public Meetings and Other Writings

Agendas of public meetings and other writings, with the exception of closed session materials, when distributed to all, or a majority of all, of the members of the Board of Directors by a member, officer, employee, or agent of such body, are public records under the Act as soon as distributed and shall be made available for public inspection.

Personnel Files and Access to Employee's Personal Information

Government Code section 6254, subdivision (c), exempts from disclosure personnel files, the disclosure of which would constitute an unwarranted invasion of personal privacy. To ensure privacy the following procedures are established:

- a. If an employee wishes to review his/her personnel file, this shall be done during business hours by appointment, and in the presence of the District General Manager.
- A paper copy of the material in the personnel file will be provided to the employee upon request.
- c. No person other than the employee, his/her authorized representative, his/her supervisor, human resources personnel and other management personnel with supervisory responsibility may look at an employee's personnel file, without the permission of the District General Manager.
- d. The information in the employee file is property of the District and shall be maintained in a confidential manner.
- e. Third-party requests for information and/or records concerning employees will be referred to the District General Manager.
- f. No information shall be divulged to a third party unless the identity of the requester and his or her legal authority for viewing the specific documents requested, are verified to the satisfaction of the District General Manager.
- g. Requests for employee information from organizations that have the legal right and authority to obtain this information are handled as follows:
 - Requests from government agencies and federal or state courts will be referred to District legal counsel.

- Requests from federal, state, county, and municipal tax units, concerning employees' earnings, are referred to the District General Manager for review and approval.
- Subpoenas or other requests having the force of legal compulsion shall be forwarded to the District General Manager and will be referred to District legal counsel. The employee will be notified that the District is compelled to supply the requested items.

Any other requests for personal information concerning employees will be denied unless the employee gives written permission to release specific information. The employee's written authorization will be reviewed by the District General Manager prior to release of any information, unless the written authorization is to release special information for credit references, loans, or mortgages.

Response Procedure for Non-Existing Records

A public agency is not required to create a record that does not exist. Where the District has no specifically responsive public record, but does have sufficient information, the best course is to do the best job possible to provide sufficient information for the requester to satisfy his/her inquiry. Such an instance requires the balancing of the burden of producing the information against the public interest served by disclosure per Government Code section 6255.

Reproduction Costs for Public Records

Public records that can be reasonably reproduced shall be copied for the public at a charge not to exceed the actual cost of providing the copy. Government Code section 6253 permits the District to require the payment of fees covering the "direct costs of duplication, or a statutory fee, if applicable."

The District's schedule of charges shall be as follows:

Type of Copy	<u>Charge</u>
Photocopy 8-1/2" x 11" or 8-1/2" x 14"	\$0.25 per page
Photocopy larger than 8-1/2" x 14"	\$1.20 per page
Electronic duplications - All sizes	\$0.25 per page

If the request necessitates making copies for which the District does not have reproduction equipment, or if the volume of copying required would, in the opinion of the District, impose too great a burden on District personnel and/or equipment, the District may elect to have the copying done by a third-party provider, on-site or off-site, and the requester shall pay the actual cost to the District of such third-party copying service.

Dissemination of Information Concerning the District

In order to establish an accurate and single-source contact point where the public and media may obtain information concerning the District, the policy of the District is that all questions regarding access to District records will be referred to the District General Manager or other personnel designated by the District General Manager. All public or media information will be coordinated with the District General Manager or designated personnel, including discussions held with the public or media, tours, slide or movie presentations, etc.

RECORDS RETENTION AND DESTRUCTION

Original documents, writings, and other forms of information produced or acquired by employees in the course of their duties shall be the exclusive property of the District, and employees shall have no expectation of privacy with respect to such materials.

Goals of Records Retention Schedule

Pursuant to Government Code section 60201, subdivision (b)(2), the goals of the District in creating this Schedule are to:

- Optimize records volume
- Improve storage and retrieval systems
- Improve employee productivity
- Identify and protect vital records
- Continue to meet legal requirements
- Protect the organization, personnel, and the public

Retention and Destruction of Documents

All records identified in the Records Retention Schedule shall be retained in original or scanned form in the District offices for the number of years indicated in the column designated "Retention Period (Years)."

Each document scheduled for destruction shall, prior to destruction, be reviewed by the District General Manager or Office Manager and shall be retained if either determines that the document has continuing value or use by reason of litigation, relationship to a continuing project, or any other valid reason.

Upon determination of records eligible for destruction, a Records Disposition Form shall be completed by office staff and approved by the District General Manager. This approval shall occur BEFORE the records are destroyed. Once approved, the records shall be properly destroyed, signed off and the completed form shall be returned to the Office Manager for permanent retention.

The Schedule has guidelines for the appropriate retention of numerous types of records. If, after consulting this policy and the schedules attached, there exists a question regarding the proper disposition or retention of a particular document or series of documents, it shall be the responsibility of the District General Manager or other employee in possession of the document, to work in conjunction with the Office Manager to determine the proper disposition of the item(s). Since this policy is designed to facilitate the routine, orderly and timely archiving or disposition of documents by District staff, if it becomes apparent that this policy fails to address certain classes of documents, this should be brought to the immediate attention of the District General Manager for appropriate action and correction.

Other Terms

As used in this policy, the following terms are defined as follows:

Active Record: a record referred to in the general conduct of current District business, and is retained by the District.

Citation: the legal basis for a retention period.

Duplicate Record: a record that is a copy of an original record.

Historical Record: a record that is valuable to future researchers in that it documents accomplishments, changes, and growth of the District.

Inactive/Archived Record: a record that is no longer referred to in the general conduct of current District business but is still accessible.

Non-record: any writing which is not within the definition of "Record" (Drafts, working copies, information produced by other agencies, etc.).

Retention Period: the length of time that a particular record series shall be retained by the District before it is destroyed in accordance with the Retention Schedule.

Retention Schedule: the schedule of record series which are prepared, owned, used, or retained by the District, and which identifies a minimum retention period for each category of record. The Retention Schedule is subject to the approval of the Board of Directors and may be amended from time to time by resolution.

Transitory Writing: any writings that are preliminary drafts, notes, interagency or intraagency memoranda that are not retained in the ordinary course of business. Generally, information contained on a transitory record has transitory value as the information is only used for a short period of time, or as reference material.

Vital Record: a record that is needed to continue or resume basic District operations in the event of a disaster. For example, an NPDES Permit, meeting minutes, or Board resolutions.

Agendas and Agenda Packets (Brown Act Bodies)	Agendas, board memo communications and attachments, supplemental information, and any other documents published with the meeting packet or provided at the meeting, including minutes.	*	Permanent	GC34090	
As-Built drawings	Capital Improvement Plans, City of		Permanent	GC34090(a);	
Audit - Annual	Official audit report.	×	Permanent	GC34090	
Audit Work Papers	Schedules and supporting documentation.		Current + 10	GC34090	
Backflow Prevention	Correspondence related to installation of a BPD including initial and annual notification letters.		Permanent		

Banking	Bank statements, reconciliations, cancelled/voided checks, check register.	ş	Current + 10	GC34090;
Bids & Proposals (Successful)	Awarded Bids, Requests for		Project Award + 10	GC34090;
Bids & Proposals (Unsuccessful)	Submitted, but not awarded		Project Award + 2	GC34090(d);
Bonds	Notary Public, Public Official, General Crime, and Public Employee bonds.	5	Current + 10	GC34090
Budget Document	Final version of document.	×	Current + 10	GC34090
Budget Work Papers	Schedules and supporting documentation for budget.	-1	Current + 3	GC34090

Employee Handbook	Document outlining employment rules, regulations, and conduct.	Superseded + 10	GC34090	
Employee Medical Records	Medical records including fit for duty exams, respirator fit test, DMV exam, audio test, respirator exam, random drug screening, etc.	Termination + 3	29CFR1910.1020;	
Employee Rights	Includes documentation related to harassment and Civil Rights complaints and any disciplinary actions taken.	Termination + 3	GC12946;	
Employee Time & Leave Reporting	Timesheets and leave/overtime requests.	Current + 7	GG34090; 29CFR516.2	

Employee Training Records	Documents related to individual employee training. Includes new hire safety orientation forms, Department Job Essential/Training & Equipment Checklist; safety training certificates; job specific training, etc.	Termination + 3	GC34090; GC12946	
Environmental Review (as part of CEQA Docs)	Administrative documents related to the review such as correspondence, consultants, issues, conservation.	Completion + 2	GC34090(d)	
Equipment Inspection & Certifications	Includes crane, hoist, and forklift, sewer jet, sewer equipment inspections; forklift pre-operation checklists; fall protection devices and fire suppression system tests.	Completion + 5		

Journal Entries	Month-end closing entries, corrections, electronic transaction entries.		Current + 10	GC34090	
Legal Opinions	Confidential		Completion + 10	GC34090(d);	
Liens	Property tax liens and releases, including supporting documents for placement.	a s	Completion + 2	GC34090	
Litigation	May include subpoenas, logs, complaints, police reports, court orders, motions, briefs, discovery, evidence, rulings, settlement agreements, correspondence, etc.	e e	Conclusion + 10	42USC1983: GC60201(d)(12)	
Maps & Plats	Subdivision, record survey, and parcel maps.		Permanent	GC34090(a)	Recorded by Imperial County

GC34090;	GC34090	GC34090;	GC12946;
Current + 7	Current + 10	Current + 2	Termination + 3
25.	V	×	×
Includes annual reports, actuarial reports, and record of deductions.	Check, direct deposit, payroll, deduct, ABT, and accrual registers.	All	Includes documentation (EXCLUDING Retiree File documents) related to new hire process, promotions, individual reclassification studies, emergency contact information, payroll authorization and elections, evaluations and commendations, discipline, benefits, current
Other Post- Employment Benefits (OPEB)	Payroll	Permits	Personnel Records

Property-Related Assessment Ballots	Benefit assessment rate ballots.	Completion + 2	GC53753(e)(2)	
Public Notices	Notices and newspaper proof of publications including notice for ordinance adoption, construction projects (notice to proceed, of award, or of completion), public hearings, and special meetings.	Current + 10	CCP343; CCP349;	
Public Outreach Materials	Includes Brochures, publications, presentations, media releases, and school tour documentation; documentation related to District sponsored events.	Current + 2	GC34090; CCP335.1	

Public Record Requests	Documentation related to requests submitted under the Public Records Act, including correspondence, invoices and responsive records.		Completion + 2	GC34090(d); GC60201(5)
Purchasing	Requisitions, purchase orders, invoices, vendor register.		Current + 7	GC34090; CCP337
Record Retention Schedule & Policy	Documents the policy of the District for compliance with the Public Records Act, identification of record types and retention period for such records.	*	Superseded + 10	CCP343
Records Disposition Certification Forms	Completed certificates for records disposition.	×	Permanent	GC34090

Recruitments	Includes applications, resumes, lists/logs, ethnicity disclosures; examination materials; examination answer sheets, job bulletins; eligibility; and all other electronic database data.		Completion + 3	GC12946;	
Regulatory	Correspondence related to regulatory requirements such as CRBRWQCB.	5	Completion + 5	GC34090(d)	
Resolutions and Ordinances	Resolutions and Ordinances adopted by the Board of Directors.	×	Permanent	GC34090(d); GC40801	
Retiree Files	Personnel file for retired/separated employees SPECIFICALLY includes Deferred Compensation (Beneficiary		Termination + 30	CCR3204(d)(1)	
Safety Manual	Safety/Hazard Manual	×	Permanent	GC34090	

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Official records retained by Insurance provider	Official records retained by Insurance
CCR .14311;	CCR .14311;
Termination + 10	Permanent
Supporting documentation related to on-the-job injury (OJI) claims including completed OJI, Exposure and Declination packets, OSHA 300 Log; correspondence, photos, and Employee Status Reports.	Supporting documentation related to on-the-job injury (OJI) claims (that have been settled and include lifetime medical) such as completed OJI, Exposure and Declination packets, OSHA 300 Log; correspondence, photos, Employee Status Reports; and Comp Watch database.
Workers Comp. Claims	Workers Comp. Claims (Life Time Medical)