



August 14, 2019

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STAFF

CAROLYN EMERY
EXECUTIVE OFFICER

TO: Local Agency Formation Commission

FROM: Executive Officer
Commission Clerk
Legal Counsel

SUBJECT: OC LAFCO Update to Public Records Act Policy and
Records Retention and Destruction Policy

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("The Act") requires that each LAFCO adopt written policies and procedures. The "Orange County LAFCO Bylaws, Policies and Procedures" includes a compilation of multiple policies, guidelines, and procedures adopted by the Commission. These documents are divided into five major areas: (I) Commission Bylaws, (II) Accounting and Financial Policies and Procedures, (III) Personnel Policies and Procedures, (IV) Administrative Policies and Procedures, and (V) Project Processing Policies.

Each year staff and legal counsel review the policies that may require amendments due to changes in state or federal laws. This annual review resulted in multiple recommended administrative changes and additions to the Records Retention and Destruction Policy. For ease of review, all proposed changes to the policies are provided in Attachment A and are indicated in a redline format. Those proposed changes are also summarized in the *Table 1* on the next page of this report.

Table 1: Summary of Proposed Changes

Attachment	Section	Pages	Summary of Changes
A	Administrative - Policy for Inspection and Copying of Public Records	1-6	Updates to reflect compliance with the California Public Records Act and all existing laws and regulations pertaining to the disclosure of public records.
A	Administrative - Policy for Inspection and Copying of Public Records: Section IV A - F	1-2	Updates the manner by which the requests for public records may be submitted to OC LAFCO, noting that requests received after regular business hours will be deemed received on the next business day.
A	Administrative- Policy for Inspection and Copying of Public Records: Section IV G	3	Removed language involving the administrative process for appealing the denial of a public record request, as the law provides a litigation process to appeal.
B	Administrative - Records Retention and Destruction Policy	2-25	Updates to the Records Retention and Destruction Policy to reflect compliance with current state and federal regulations.
B	Administrative - Records Retention and Destruction Policy: Sections III B and IV C	1 and 3	Adds language to include a claim, subpoena, investigation, litigation hold or other request for preservation, a Public Records Act request, and an audit to the items that would postpone the destruction of a record to reflect compliance with current state and federal regulations.
B	Administrative - Records Retention and Destruction Policy: Section V C2	5	Adds a statement that ordinances or resolutions that have been repealed or are otherwise invalid or unenforceable may be destroyed after five years to reflect compliance with current state and federal regulations.

B	Administrative - Records Retention and Destruction Policy: Section V D	5	Adds a statement that after an original or copy of Statements of Economic Interest has been on file for two years, an electronically imaged version may be retained instead to reflect compliance with current state and federal regulations.
B	Administrative - Records Retention and Destruction Policy: Records Retention Schedule	13 - 21	Adds additional record types, government codes and the minimum legal retention period, to reflect compliance with current state and federal regulations for the following: <ul style="list-style-type: none">• Consultants hired by OC LAFCO (FPPC Form 805)• Agencies reporting of events and ticket/pass (FPPC Form 802)• Behested payment report (FPPC Form 803)• Lobbying or Lobbyist Forms (FPPC 602)

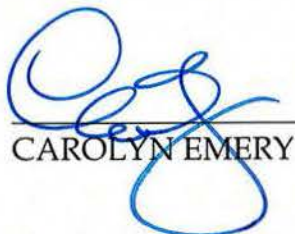
RECOMMENDATION

Staff recommends that the Commission:

1. Adopt the following updated and amended OC LAFCO policies:

- Public Records Act Policy
- Records and Retention Destruction Policy

Respectfully submitted,



CAROLYN EMERY



CHERYL CARTER BENJAMIN



SCOTT SMITH

Attachment A: Clean Version of Public Records Act Policy

Attachment B: Redline Version of Public Records Acts Policy

Attachment C: Clean Version of Records Retention and Destruction Policy

Attachment D: Redline Version of Records Retention and Destruction Policy

Policy for Inspection and Copying of Public Records

I. POLICY

This policy sets forth the Orange County Local Agency Formation Commission's (OC LAFCO's) procedures for handling requests for inspection and/or copying of public records. It is designed to be in compliance with the California Public Records Act (Gov. Code § 6250 *et seq.*) and all existing laws and regulations pertaining to disclosure of public records. If any provision of this policy conflicts with current state or federal law, the law shall take precedence.

It shall be the policy of OCLAFCO to allow members of the public to inspect and/or receive copies of any records maintained in the Commission's office or OCLAFCO-related records housed in the Orange County Archives, unless such records are restricted by federal or state law, or other regulations.

II. LEGAL AUTHORITY

This policy is authorized under Government Code section 6253.4, subdivision (a), which provides: "Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section." The California Public Records Act (Government Code § 6250, *et seq.*) and the California Constitution (Cal. Const. Art. I, Code § 3, subd. (b)) give every member of the public the right to inspect and/or receive copies of public records, for the direct cost of duplication or a statutory fee, except where access is otherwise made exempt by law.

III. DEFINITIONS

For purposes of this policy and procedure, "public records" shall include any writing containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the Commission, regardless of physical form or characteristics.

"Writing" means 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 combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

IV. PROCEDURES

- A. OCLAFCO encourages members of the public to submit records requests to the Commission's office during normal business hours when the Commission offices are open. Receiving requests during normal business hours helps Commission staff avoid any delays in responding to requests for inspection and/or copies of OCLAFCO records. This procedure is intended to further the Public Records Act mandate that public records must be "open to inspection at all times during

the office hours of the state or local agency..." and the provision that allows OCLAFCO to "adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in [the Public Records Act]." (Gov. Code § 6253, subds. (a), (e).) Notwithstanding the foregoing, OCLAFCO accepts records requests that are sent to the Commission's office after normal business hours, during weekends, and holidays. However, OCLAFCO will deem such requests as received on the next business day that the Commission's office is open for business.

- B. OCLAFCO encourages members of the public to submit all records requests in writing to the Commission's office, preferably using the Public Record Request form attached as Exhibit "A" to this policy. Written requests reduce any misunderstandings between the requester and OCLAFCO staff, which allows OCLAFCO staff to respond to records requests in a timely manner and with greater efficiency. However, OCLAFCO will not deny a request for records solely because it is not submitted in writing or was not submitted on OCLAFCO's Public Record Request form.
- C. The requester should, in writing, specify the records to be inspected/copied with sufficient detail to enable OCLAFCO to identify the particular records. If the request appears ambiguous or unfocused, staff will make a reasonable effort to obtain additional clarifying information from the requester that will help identify the record or records. Pursuant to Government Code Section 6253.1, staff shall do all of the following, to the extent reasonable under the circumstances:
 - Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;
 - Describe the information technology and physical location in which the records exist; and
 - Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- D. Staff will make disclosable public records promptly available whenever possible. If any document responding to a public records request is posted on any OCLAFCO-related websites, staff will provide the requestor with a link or other direction to the online location of the document, pursuant Government Code Section 6253, subdivision (f).
- E. For requests for records in electronic format, OCLAFCO will make electronic records available in their existing format, pursuant to the requirements and conditions of Government Code section 6253.9.
- F. Within 10 (ten) days of OCLAFCO's date of receipt of the original request, the Executive Officer will provide a written determination as follows:
 1. If the requested records were made promptly available after the request was received, the Executive Officer's written response will document staff's determination that the records were disclosable and were provided to the requester.
 2. If the request presents "unusual circumstances" as described in Government Code section 6253 subdivision (c), the Commission may take an extension of 14 days to provide a determination on the request. Pursuant to Government Code section 6253, subdivision (c), "unusual circumstances" means the

following, but only to the extent reasonably necessary to properly process the request:

- (a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (c) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the Commission having substantial subject matter interest therein.
- (d) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

The Executive Officer's written response will explain the "unusual circumstances" that apply to the request and will provide the estimated date when the determination on the request will be provided.

- 3. If the requested records are exempt from disclosure under the Public Records Act, other state law, or federal law, the response shall provide the specific exemptions and provide the name and title or position of the person(s) responsible for withholding the exempt records.
 - 4. If the requested records are disclosable but cannot be made "promptly available" because additional time is required to complete the request, the response shall notify the requester of the estimated date when the materials will be made available.
- G. For requests to inspect records, staff members will assist requestors to schedule a date and time for inspection during regular business hours when the Commission offices are open. Original records may NOT be taken from OCLAFCO offices or another repository. Some historical OCLAFCO records are stored in the Orange County Archives through an agreement between Orange County LAFCO and the Orange County Clerk-Recorder Department. All OCLAFCO records within the Orange County Archives remain under the ownership of OCLAFCO. As custodian for these documents, OCLAFCO shall work with Orange County Archives, when necessary, to retrieve any documents that respond to records requests.
- H. OCLAFCO shall produce requested copies, upon payment of the copy fee specified in the OCLAFCO fee schedule, or upon payment of a statutory fee if applicable.

Original Adoption Date: 09/1979 (formerly "Policy for the Public Review of LAFCO Records")
 Date of Last Review: 08/14/2019
 Date of Last Revision: 08/14/2019

EXHIBIT "A"

PUBLIC RECORDS ACT (PRA) REQUEST FORM

[PLACE ON LETTERHEAD]

PUBLIC RECORDS ACT (PRA) REQUEST FORM

A. REQUESTOR INFORMATION: **Required field (You will need to provide at least one form of contact information for us to respond to your request.)*

Name: _____ Date: _____

*E-mail: _____

Street Address: _____

City: _____ State: _____ Zip: _____

*Telephone: _____ *Fax: _____ *Cell: _____

B. RECORDS REQUESTED: *Please be specific and state clearly the type of information you are requesting. To expedite your request, please indicate the type of record, file name, application number, applicant name, date or date range of record(s), incident location or other helpful information. (You may attach another sheet if you need additional space.)*

I am requesting to (check one) ☐ inspect

☐ receive copies the following records:

(1)

(2)

(3)

We assure you that your request for information is important to us. However, immediate access to records cannot always be accommodated. In accordance with California Government Code Sections 6250 et seq., LAFCO staff has up to ten (10) days in which to determine whether the documents requested constitute, in whole or in part, disclosable public records, and such time period may be extended if necessary as allowed under the Public Records Act. Requests for large volume documents or historical/archived files may result in LAFCO extending the date of its response, pursuant to the Public Records Act. Extensive research or substantial photocopying may take a reasonable amount of time to process. If you would like to schedule an appointment to arrange appropriate accommodations for large requests, please contact [INSERT CONTACT PERSON, TITLE AND PHONE NUMBER AND/OR EMAIL ADDRESS.]

Please be advised that LAFCO copying fees or statutory copying fees may apply for copy requests and that you may be required to pay all such fees before requested copies are delivered.

Policy for Inspection and Copying of Public Records

I. POLICY

This policy sets forth the Orange County Local Agency Formation Commission's (OC LAFCO's) procedures for handling requests for inspection and/or copying of public records. It is designed to be in compliance with the California Public Records Act (Gov. Code § 6250 *et seq.*) and all existing laws and regulations pertaining to disclosure of public records. If any provision of this policy conflicts with current state or federal law, the law shall take precedence.

It shall be the policy of OCLAFCO to allow members of the public to inspect and/or receive copies of any records maintained in the Commission's office or OCLAFCO-related records housed in the Orange County Archives, unless such records are restricted by federal or state law, or other regulations.

II. LEGAL AUTHORITY

This policy is authorized under Government Code section 6253.4, subdivision (a), which ~~states-provides~~: "Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section." The California Public Records Act (Gov. ~~ernment~~ Code ~~§ section~~ 6250, *et seq.*) and the California Constitution (Cal. Const. ~~Art. I~~, Code § 3, subd. (b)) give every member of the public the right to inspect and/or receive copies of public records, for the direct cost of duplication or a statutory fee, except where access is otherwise made exempt by law.

III. DEFINITIONS

For purposes of this policy and procedure, "public records" shall include any writing containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the Commission, regardless of physical form or characteristics.

"Writing" means 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 combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

IV. PROCEDURES

- A. ~~OCLAFCO encourages members of the public to submit records requests At requests for records must be submitted~~ to the Commission's office during normal business hours when the Commission offices are open. Receiving requests during normal business hours helps Commission staff avoid any delays in

responding to requests for inspection and/or copies of OCLAFCO records. ~~This procedure is intended to further. This requirement complies with~~ the Public Records Act mandate that public records must be "open to inspection at all times during the office hours of the state or local agency..." ~~and the provision that allows OCLAFCO to "adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in [the Public Records Act]." (Gov. Code § 6253, subds. (a), (e).) (Emphasis added.) This requirement to submit records requests during normal business hours also complies with the Public Records Act provision that allows OCLAFCO to "adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in [the Public Records Act]." (Gov. Code § 6253, subd. (e).)~~ Notwithstanding the foregoing, OCLAFCO accepts records requests that are sent to the Commission's office after normal business hours, during weekends, and holidays. However, OCLAFCO will deem such requests as received on the next business day that the Commission's office is open for business.

- B. OCLAFCO encourages members of the public to submit all records requests in writing to the Commission's office, preferably using the Public Record Request form attached as Exhibit "A" to this policy. Written requests reduce any misunderstandings between the requester and OCLAFCO staff, which allows OCLAFCO staff to respond to records requests in a timely manner and with greater efficiency. However, OCLAFCO will not deny a request for records solely because it is not submitted in writing ~~or was not submitted on OCLAFCO's Public Record Request form.~~
- C. The requester should, in writing, specify the records to be inspected/copied with sufficient detail to enable OCLAFCO to identify the particular records. If the request ~~seems—appears~~ ambiguous or unfocused, staff will make a reasonable effort to obtain additional clarifying information from the requester that will help identify the record or records. Pursuant to Government Code ~~s~~Section 6253.1, staff shall do all of the following, to the extent reasonable under the circumstances:
 - Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;
 - Describe the information technology and physical location in which the record exist; and
 - Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- D. Staff will make disclosable public records promptly available whenever possible. If any document responding to a public records request is posted on any OCLAFCO-related websites, staff will provide the requestor with a link or other direction to the online location of the document, pursuant Government Code Section 6253, ~~subdivision~~ (f).
- E. For requests for records in electronic format, OCLAFCO will make electronic records available in their existing format, pursuant to the requirements and conditions of Government Code section 6253.9.
- F. Within 10 (ten) days ~~of receiving of OCLAFCO's date of receipt of~~ the original request, the Executive Officer will provide a written determination as follows:

1. If the requested records were made promptly available after the request was received, the Executive Officer's written response will document staff's determination that the records were disclosable and were provided to the requester.
2. If the request presents "unusual circumstances" as described in ~~the Government Code section 6253 subdivision (c) Public Records Act~~, the Commission may take an extension of 14 days to provide a determination on the request. Pursuant to Government Code ~~section SECTION~~ 6253, subdivision (c), "unusual circumstances" means the following, but only to the extent reasonably necessary to properly process the request:
 - (a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
 - (b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
 - (c) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the Commission having substantial subject matter interest therein.
 - (d) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

The Executive Officer's written response will explain the "unusual circumstances" that apply to the request and will provide the estimated date when the determination on the request will be provided.

3. If the requested records are exempt from disclosure under the Public Records Act, other state law, or federal law, the response shall ~~state~~ provide the specific exemptions and provide the name and title or position of the person(s) responsible for withholding the exempt records.
4. If the requested records are disclosable but cannot be made "promptly available" because additional time is required to complete the request, the response shall notify the requester of the estimated date when the materials will be made available.

~~G. If the request is denied, the Executive Officer shall inform the requestor of OC-LAFCO's administrative procedure to appeal the denial. An appeal must be in writing and must be submitted to the Executive Officer within 30 days of the date the original request was denied. The appeal should contain a description of the requested records. The requestor has discretion to provide any additional information in the appeal, such as the reason for the request. Upon receipt of the written appeal, the Executive Officer shall again consult the Commission's legal counsel and make a determination on the appeal. The Executive Officer shall inform the requestor of this determination, in writing, within 30 days after receipt of the appeal. This administrative appeal procedure is in addition to all judicial remedies provided to requestors in Government Code sections 6258 and 6259.~~

- ~~H.G.~~ For requests to inspect records, staff members will assist requestors to schedule a date and time for inspection during regular business hours when the Commission offices are open. Original records may NOT be taken from OCLAFCO offices or another repository. Some historical OCLAFCO records are stored in the Orange County Archives through an agreement between Orange County LAFCO and the ~~Orange County Clerk-Recorder Department~~. All OCLAFCO records within the Orange County Archives remain under the ownership of OCLAFCO. As custodian for these documents, OCLAFCO shall work with Orange County Archives, when necessary, to retrieve any documents that respond to records requests.
- ~~H.H.~~ OCLAFCO shall produce requested copies, upon payment of the copy fee specified in the OCLAFCO fee schedule, or upon payment of a statutory fee if applicable.

Original Adoption Date: 09/1979 (formerly "Policy for the Public Review of LAFCO Records")

Date of Last Review: 02/14/2018

Date of Last Revision: ~~02/14/2018~~08/14/2019

EXHIBIT "A"

PUBLIC RECORDS ACT (PRA) REQUEST FORM

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PUBLIC RECORDS ACT (PRA) REQUEST FORM

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Name: _____ Date: _____

*E-mail: _____

Street Address: _____

City: _____ State: _____ Zip: _____

*Telephone: _____ *Fax: _____ *Cell: _____

B. RECORDS REQUESTED: *Please be specific and state clearly the type of information you are requesting. To expedite your request, please indicate the type of record, file name, application number, applicant name, date or date range of record(s), incident location or other helpful information. (You may attach another sheet if you need additional space.)*

I am requesting to (check one) ☐ inspect

☐ receive copies the following records:

(1)

(2)

(3)

We assure you that your request for information is important to us. However, immediate access to records cannot always be accommodated ~~immediately~~. In accordance with California Government Code Sections 6250 *et seq.*, LAFCO staff has up to ten (10) days in which to determine whether the documents requested constitute, ~~in whole or in part,~~ disclosable public records, and such time period may be extended if necessary ~~and as allowed under the Public Records Act.~~ Requests for large volume documents ~~or,~~ historical/archived ~~files,~~ ~~or for active application files requested near a LAFCO meeting date may not result in LAFCO extending the date of its response,~~ pursuant to the Public Records Act, ~~be processed immediately.~~ Extensive research or substantial photocopying may take a reasonable amount of time to process. If you would like to schedule an appointment to arrange appropriate accommodations for large requests, please contact [INSERT CONTACT PERSON, TITLE AND PHONE NUMBER AND/OR EMAIL ADDRESS.]

Please be advised that LAFCO copying fees or statutory copying fees may apply for copy requests and that you may be required to pay all such fees before requested copies are delivered.

Records Retention and Destruction Policy

I. PURPOSE

The purpose of this policy is to provide guidelines to staff regarding the retention of records of the Orange County Local Agency Formation Commission (LAFCO); provide for the identification, maintenance, and safeguarding of OC LAFCO records and the destruction of obsolete records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

II. POLICY

It is the policy of this Commission to retain OC LAFCO documents and other records in accordance with the retention schedule established in the attached table. The schedule is in compliance with the minimum retention periods mandated by the California Government Code, the California Code of Civil Procedure, the Code of Federal Regulations, the Secretary of State Local Government Records Management Guidelines, and other legal authorities cited.

III. PROCEDURE

- A. The staff member 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 to this policy as Attachment "A." The staff member submits the form to the Commission Clerk.
- B. The Commission Clerk 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 Commission Clerk also confirms that any applicable reproduction requirements (i.e., imaging, etc.) for each document are complete. The Commission Clerk also verifies that the documents are not relevant to a lawsuit, a claim, a subpoena, an investigation, a litigation hold, a Public Records Act request, an audit, or similar proceeding, which is in progress or which can reasonably be anticipated.
- C. The Commission Clerk submits the form to the Executive Officer, who reviews and signs the form and then returns the signed form to the Commission Clerk.
- D. After receiving the signed form from the Executive Officer, the Commission Clerk oversees the destruction of the obsolete documents, indicates the method of destruction on the form, signs the form and returns the original signed form to the Executive Officer.

- E. The Executive Officer will retain all original signed forms requesting destruction of obsolete records for a minimum period of two (2) years.
- F. The Commission Clerk will permanently retain a master log of all destroyed obsolete documents which includes the titles or brief descriptions of the obsolete documents that were destroyed, the method of destruction and the date of destruction.

IV. GENERAL GUIDELINES

- A. The Commission Clerk shall be responsible for the administration of this policy and shall assist all OCLAFCO personnel to comply with the provisions of this policy and with the Records Retention Schedule, set forth in Attachment "B."
- B. The following general guidelines apply to all OCLAFCO records.
 - 1. The Commission may authorize the destruction of any duplicate records at any time. (Gov. Code §§ 26201, 60200.)
 - 2. Unless otherwise required by State or federal law, the Commission may authorize the destruction of any original document which is more than two (2) years old 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 §§ 26202, 60201.)
 - 3. In addition to the retention periods required under this policy, the Commission 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 §§ 34090; 60201, subd. (d)(10).)
 - 4. Pursuant to Government Code section 60201, the Commission shall not destroy any of the following records:
 - (a) Records relating to the formation change of organization, or reorganization of the Commission;
 - (b) Ordinances and resolutions, unless they have been repealed or have become invalid or otherwise unenforceable for five (5) years;
 - (c) Minutes of any meeting of the Commission;
 - (d) Records relating to any pending claim, litigation, any settlement or other disposition of litigation within the past two (2) 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 Commission;
 - (f) Records relating to any pending construction that the Commission has not accepted or for which a stop notice claim may be legally presented;
 - (g) Records relating to any non-discharged debt of the Commission;
 - (h) Records relating to the title to real property in which the

- Commission has an interest;
- (i) Records relating to any nondischarged contract to which the Commission 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 Commission employees, officers, or independent contractors

C. Exceptions to Scheduled Destruction. Destruction of any record shall be postponed if that record is responsive to a subpoena, a litigation hold or other request for preservation, a Public Records Act request, an audit, or a claim filed against OC LAFCO. In addition, records that relate to any active litigation or potential litigation involving OC LAFCO shall be preserved until the litigation is resolved. OC LAFCO personnel who become aware of a subpoena, claim, Public Records Act request, etc., that affects records under their control shall use their best efforts, by any reasonable means available to them, to preserve those records. In such situations, OC LAFCO personnel shall contact the Commission Clerk regarding the affected records.

V. 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 Commission minutes, resolutions or contracts

(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
 - Retirements
 - Time cards
 - (j) Other
 - Inventory Records (Purchasing)
 - Capital Asset Records (Purchasing)
 - Depreciation Schedule
 - Cost Accounting Records
2. General ledgers should be retained a minimum of four (4) years after completion of any annual audit (Code of Civ. Pro. § 337.) Published articles show retention periods of four (4) to seven (7) years as typical. However, the Secretary of State recommends that general ledgers be permanently retained. (Sec. of State Local Gov't. Records Mgmt. Guidelines; Gov. Code § 34090.).
 3. In general, the Commission should retain original source documents that are detailed in a register, journal, ledger or statement **until audited plus four (4) years**. (Sec. of State Local Gov't Records Mgmt.) Certain source documents may be retained for a shorter period of time. Refer to the records retention schedule for specific accounting documents.
 4. At any time, the Commission may destroy rough drafts, notes, working papers (except for audits) that are not retained by the Commission in the ordinary course of business, including temporary or transitory documents used only for controlling the flow of work (e.g., "Post-It®" notes).

5. In addition to any required legal retention period, the Commission 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 § 60201, subd. (d)(10).)

B. Long-Term Debt Records

1. The Commission may destroy paid bonds, warrant certificates and interest coupons after **ten (10) years**. (Code of Civil Proc. § 337.5.)
1. The Commission may not destroy any documents relating to any non-discharged debt. (Gov. Code § 60201, subd. (d) (7).)

C. Commission Records

1. The Commission shall retain original records of the minutes of meetings of the Commission **indefinitely**. (Gov. Code §§ 34090; 60201.)
2. The Commission shall retain original ordinances and resolutions **indefinitely**. (Gov. Code §§ 34090; 60201.) However, ordinances or resolutions that have been repealed or are otherwise invalid or unenforceable may be destroyed after five (5) years. (Gov. Code § 60201, subd. (d)(2).)

D. Statements of Economic Interest (SEI) [Form 700] and Other Reports Filed Pursuant to the Political Reform Act.

1. Filing officers shall retain original statements and reports for **seven (7) years**. (Gov. Code § 81009 (c), (e).) After an original report or statement has been on file for at least two (2) years, the filing officer may retain an electronically imaged copy available for public inspection instead of the original report or statement. (Gov. Code § 81009, subd. (g).)
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).) After a copy of a report or statement has been on file for at least two (2) years, the filing officer may retain an electronically imaged copy available for public inspection instead of the paper copy. (Gov. Code § 81009, subd. (g).)

E. Contracts

1. The Commission shall retain original contracts for **four (4) years** after completion of the contracts. (Code of Civ. Proc. § 337.)
2. The Commission shall retain contracts with any person or entity that 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 Commission shall retain original property records, such as title documents, **indefinitely**, or until the property is transferred or otherwise no longer owned by the Commission. (Gov. Code §§ 34090, 60201.)

G. Payroll and Personnel Records

1. Payroll and personnel records include, but are not limited to, the following:

- (a) Accident reports, injury claims and settlements
- (b) Medical histories
- (c) Injury frequency charts
- (d) Applications, changes and terminations of employees
- (e) Insurance records of employees
- (f) Time cards
- (g) Job descriptions
- (h) Performance or rating documents
- (i) Earning records and summaries

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

- 2. The Commission shall retain personnel files for **three (3) years** after an individual's employment terminates. (Labor Code § 1198.5; 29 CFR 1627.3.)
- 3. The Commission shall retain medical records of employees who have been exposed to toxic substances or harmful physical agents for **thirty (30) years beyond the length of employment**. Such medical records shall 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. Such 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 treatments, loss of consciousness, restriction of work or motion, or transfer to another job. (29 CFR 1910.1020; 8 Cal. Code Regs. § 3204 (d)(1)(A)(B).)

For employees who are employed by the Commission for less than one year, the Commission does not need to retain the employee's medical records regarding exposure to hazardous substances if the Commission provides the employee with such records upon termination of employment. (*Ibid.*)

Routine medical records including first aid records for one-time treatment, observation of minor injuries, records relating to medical leave taken by employees with information including hours taken, notices, and policies; burns; splinters; etc., should be kept for the **length of employment plus three (3) years**. (29 C.F.R. 825.500.)

- 4. The Commission may destroy personnel fidelity bonds **two (2) years** after termination. (Gov Code § 34090.) Wage garnishments must be

retained while active until garnishment is satisfied, then retained until audited plus **four (4) years** after termination. (Ibid.)

5. The Commission shall retain payroll records containing the name, address, date of birth, gender, 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 C.F.R. Part 516.5; Labor Code §§ 1174, 1197.5; Gov. Code § 60201.) Payroll registers listing labor costs by employee and program should be retained for a minimum of **seven (7) years from date of payment**. Permanent retention of payroll registers is recommended in the Secretary of State Local Government Records Management Guidelines.
6. The Commission shall retain basic time cards or time sheets on which are entered daily starting and stopping times of individual employees for a minimum of three (3) years. The Secretary of State Local Government Records Management Guidelines recommends retaining such documents **for six (6) years**. (29 C.F.R. Part 516.6; Labor Code § 1174; Sec. of State Local Gov't Records Mgmt. Guidelines.
7. The Commission 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 C.F.R. 1627.3.)
8. The Commission shall retain records regarding the race, gender, and national origin of each applicant and for the job for which such applicant applied for **two (2) years** from the date of the creation of the record or the date of the personnel action involved, whichever occurs later. The Commission may either retain the original documents used to identify applicants or keep statistical summaries of the collected information. (2 CCR § 7287.0 subds. (b)(2), (c).)

H. Construction and Engineering Records.

1. The Commission shall retain certain original construction records, such as bids, correspondence, and change orders, for **four (4) years** after 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 Commission shall retain as-built plans for any public facility or works as long as the facility exists.
2. The Commission may destroy unaccepted bids or proposals for public works after **two (2) years**. (Gov. Code §§ 26202.1, 60201.)
3. The Commission shall retain supporting documents on capital improvement projects, including bidder's lists, specifications, reports, plans, work orders, schedules, etc., for **ten (10) years after project completion**. (Code of Civ. Proc. § 337.15.)

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

1. The Commission 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; 29 C.F.R. 1910.1020.)

2. The Commission may destroy the material safety data sheet (MSDS) for a hazardous substance after the Commission 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); 29 C.F.R. 1910.1020(d)(ii)(B).)

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

1. The Commission shall retain recordings of **routine video monitoring** (e.g., building security recording systems) for at least **one (1) year**. After the one-year retention period, the Commission may destroy the video recording upon approval by the Commission. (Gov. Code §§ 34090.6, 53160.)
2. Upon authorization of the Commission, recordings of telephone and radio communications maintained by the Commission may be destroyed after **100 days**. (Gov. Code §§ 34090.6.)
3. Video or audio recordings of Commission meetings, made at the direction of the Commission, for whatever purpose, must be retained at least 30 days after the meeting. (Gov. Code § 54953.5.)
4. If the Commission keeps another record, such as written minutes, of an event (other than Commission meetings) that is recorded on video or digitally recorded, the Commission must keep the video recording of the event for **at least 90 days** after the occurrence of the event. **After 90 days**, the video recording may be destroyed or erased, upon approval by the Commission. (Gov. Code §§ 34090.7; 53161; 85 Ops. Cal. Atty. Gen. 256 (2002).)

K. Records Retention Schedule

The "Records Retention Schedule" is attached to this policy as Attachment "B" and is incorporated herein by reference. This policy and the Records Retention Schedule comply with the records retention guidelines provided by the California Secretary of State and may be updated from time to time.

ATTACHMENT "A"

REQUEST FOR DESTRUCTION OF OBSOLETE RECORDS

ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

To: Commission Clerk

From: _____

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:

Commission Clerk

Date

Executive Officer

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 LAFCO and all applicable requirements of State and federal law.

Commission Clerk

Date of Records Destruction

ATTACHMENT “B” RECORDS RETENTION SCHEDULE

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Accident/Illness Reports (OSHA Reports)	Not a public record; For Employee Medical Records & Employee Exposure Records regarding exposure to toxic substances or harmful physical agents --Includes Material Safety Data Sheets (MSDS) --Does NOT include: records of health insurance claims maintained separate from employer's records; first aid records of one-time treatments for minor injuries; records of employees who worked less than one (1) year if records are given to employee upon termination.	GC 6254(c) 8CCR 32304(d)(1)(A) (B)	Duration of employment plus 30 years
Accidents/Damage to OCLAFCO Property	Risk Management Administration	GC 340901 CCP 337.15	10 years
Accounting Records – General Ledger	General Ledger	GC 34090 CCP 337 Sec. of State Local Gov't Records Mgmt. Guidelines	Until audited +4 years Published articles show 4-7 years retention as typical Sec. of State Guidelines recommends permanent retention
Accounting Records – Permanent Books of Accounts	Records showing items of gross income, receipts and disbursement (including inventories per IRS regulations)	26 CFR 1.6001-1(c) & (e)	Permanent

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Accounts Payable	Journals, statements, asset inventories, account postings with supporting documents, vouchers, investments, invoices and back-up documents, purchase orders, petty cash, postage, OCERS reports, check requests, etc. Expense reimbursements to employees & officers; travel expense reimbursements or travel compensation.	CCP 337 26 CFR 31.6001-1(e)(2); Secretary of State Local Gov't. Records Mgmt. Guidelines recommendation	Until audited + 4 years 7 years after date of payment
Accounts Receivable	Receipts for deposited checks, coins, currency; reports, investments, receipt books, receipts, cash register tapes, payments for fees, permits, etc.	26 CFR 31.6001-1(e)(2); Sec. of State Local Gov't Records Mgmt. Guidelines recommendation	Until audited +4 years
Affidavits of Publication / Posting	Legal notices for public hearings, publication of ordinances, etc.	GC 34090	2 years
Agency Report of Consultants (FPPC Form 805)	Identifies consultants hired by OCLAFCO who must file Form 700	2 CCR 18734; GC 81009(e)	7 years
Agency Report – Events and Ticket/Pass Distribution (FPPC Form 802)	Report of tickets/passes; identifies persons who received tickets/passes and describes the public purpose for the distribution	GC 81009(e)	Originals - 7 years;
Agency Report of Public Official Appointments (FPPC Form 806)	Report of additional compensation received by OCLAFCO official when appointing themselves to committees, boards or commission of other public agencies, special districts, joint powers agencies or joint powers authorities. Current report must be posted on OCLAFCO's website.	2CCR 18705.5; GC 34090.5	Recommended retention; keep a copy of report for 2 years after removal from OCLAFCO's website

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Agenda / Agenda Packets	<p>Original agendas, agenda packets, staff reports and related attachments, supplemental items and documentation submitted by staff/public in relation to agenda items.</p> <p>Paper copies of agenda packets should be maintained for 1 year as complete packets. Originals will later be imaged for permanent records retention; the imaged record may serve as the permanent record.</p>	GC 34090 GC 34090.5	Current + 2 years
Agreements (see also Contracts)	Original contracts and agreements and back-up materials, including leases, service/maintenance agreements, etc.	CCP 337 CCP 337.2 CCP 343	4 years after termination/ completion
Annexations / Reorganizations	Notices, Resolutions, Certificates of Completion; documents may be imaged, but the originals can never be destroyed.	GC 34090 GC 60201(d)(1)	Permanent
Annual Financial Report	May include independent auditor analysis.	GC 26201, 34090 Sec of State Local Gov't Records Mgmt. Guidelines GC 34090 GC 60201	Permanent
Articles of Incorporation		Guidelines GC 34090 (a)	Permanent

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Audit Reports	Financial services; internal and/or external reports;	GC 34090; CCP 337; CCP 343 Sec. of State Local Gov't. Records Retention Guidelines	Minimum retention – Current + 4 years Sec. of State Guidelines recommends permanent retention [May be revised at a later time by Sec. of State or County officials]
Audit Hearing or Review	Documentation created and or received in connection with an audit hearing or review	GC 26202, 34090	2 years
Ballots – Special District elections	Copies of ballots from elections of Special Districts (OCLAFCO members)	GC 26202, 34090, 60201	2 years
Bank Account Reconciliations	Bank statements, receipts, certificates of deposit, etc.	26 CFR 31.6001-1(e)(2)	Until audited + 4 years; Secretary of State recommends until audited + 5 years
Behested Payment Report (FPPC Form 803)	FPPC form used by elected officials to disclose payments made at their behest (\$5,000 or more from same source) for legislative, governmental, or charitable purposes.	GC 81009; 82015(b)(2)(B)(iii)	7 years
Brochures/ Publications	Retain selected documents only for historic value	GC 26202, 34090	2 years
Budget, Annual	Annual operating budget approved by OCLAFCO	GC 26202, 34090; Sec. of State Local Gov't Records Mgmt. Guidelines	Until audited + 2 years; Sec. of State recommends permanent retention
Cal-OSHA	Personnel logs, supplementary records; annual summary (Federal and State-Cal-OSHA)	LC 6410; 8CCR 14307	5 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Checks (issued by OCLAFCO)	OCLAFCO checks paid – expense reimbursements; payments to independent contractors, etc. Includes check copies; canceled and voided checks; electronic versions of checks. OCLAFCO check paid to vendors; other OCLAFCO payments - includes check copies; canceled or voided checks; electronic versions of checks.	GC 60201(d)(12) CCP 337 Sec. of State Local Gov't Records Mgmt. Guidelines; CCP 337; 26 CFR 31.6001-1(e)(2)	7 years Until audited +4 years
Citizen Feedback	General correspondence	GC 26202, 34090	2 years
Claims Against OCLAFCO	Paid/denied	GC 60201(d)(4); GC 25105.5	Until settled + 5 years
Complaints/Requests	Various files, not related to specific lawsuits involving the agency and not otherwise specifically covered by the retention schedule	GC 26202, 34090	2 years
Contracts	Original contracts and agreements and back-up materials, including leases, service/maintenance contracts, etc.	CCP 337, 337.2, 343	4 years after termination/ completion
Correspondence	General correspondence, including letters and e-mail; various files, not otherwise specifically covered by the retention schedule	GC 26202, 34090	2 years
Deferred Compensation Reports	Finance - pension/retirement funds	29 CFR 516.5 29 CFR 1627.3	3 years
Demographic/ Statistical Data		GC 26202, 34090	Current +2 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Deposits, Receipts	Receipts for deposited checks, coins, currency	CCP 337; 26 CFR 31.6001-1(e)(2); Sec. of State Local Gov't Records Mgmt. Guidelines;	Until audited + 4 years
DMV Driver's Records, Reports (DMV Pull Notice System)	Part of personnel records – not a public record	GC 34090 GC 6254(c) VC 1808.1(c) Sec. of State Local Gov't Records Mgmt. Guidelines	Until superseded (should receive new report every 12 months) Sec. of State recommends retention until termination + 7 years
Employee Files	Personnel - information - may include release authorizations, certifications, reassignments, outside employment, commendations, disciplinary actions, terminations, oaths of office, evaluations, pre-employee medicals, fingerprints, identification cards	GC 12946 29 CFR 1627.3	While current + 3 years
Employee Information Applicant Identification Records	Personnel – data recording race, sex, national origin of applicants	2 CCR 7287(b). (c)(2)	2 years
Employee Information, General	Name, address, date of birth, occupation	GC 12946 29 CFR 1627.3 LC 1174	3 years
Employee Information, Payment	Rate of pay and weekly compensation earned	GC 60201	7 years
Employee Programs	Includes EAP and Recognition	GC 26202, 34090 GC 12946	Current + 2 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Employee, Recruitment	Alternate lists/logs, examination materials, examination answer sheets, job bulletins	GC 12946 GC 26202, 34090 29 CFR 1602 et. seq. 29 CFR 1627.3	Current + 2 years
Employee, Reports	Employee statistics, benefit activity, liability loss	GC 26202, 34090	Current + 2 years
Employee Rights - General		GC 12946 29 CFR 1602.31	Length of employment + 2 years
Employment Applications - Not Hired	Applications submitted for existing or anticipated job openings, including any records pertaining to failure or refusal to hire applicant	GC 26202, 34090 GC 12946 29 CFR 1627.3	2 years
Employment Eligibility Verification (I-9 Forms)	Federal Immigration and Nationality Act; Immigration Reform/Control Act 1986	8 USC 1324a (b)(3) Pub. Law 99-603	3 years after date of hire, or 1 year after date of termination, whichever is later
Employment - Surveys and Studies	Includes classification, wage rates	GC 12946 GC 26202, 34090 29 CFR 516.6	2 years
Employment - Training Records, Non-Safety	Volunteer program training - class training materials, internships	GC 34090 GC 12946	Length of employment + 2 years
Employment - Vehicle Mileage Reimbursement Rates	Annual mileage reimbursement rates	GC 26202, 34090	Until superseded + 2 years
Environmental Quality California Environmental Quality Act (CEQA)	Exemptions, Environmental Impact Reports, mitigation monitoring, Negative Declarations, Notices of Completion and Determination, comments, Statements of Overriding Considerations	GC 34090; 60201 CEQA Guidelines	Permanent

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Environmental Quality Environmental Review	Correspondence, consultants, issues, conservation	GC 26202, 34090	Completion + 2 years
ERISA Records	Employee Retirement Income Security Act of 1974 – plan reports, certified information filed, records of benefits due	29 USC 1027, 2059 <i>La Barbera v. A. Morrison Trucking, Inc.</i> 2011 US Dist. LEXIS 16343 (E.D.N.Y. Feb. 17, 2011)	6 years
Family and Medical Leave Act (FMLA) (Federal)	Records of leave taken, OCLAFCO policies relating to leave, notices, communications relating to taking leave	29 CFR 825.500 GC 12946	While employed +3 years (Federal) or 2 years (State)
Fixed Assets Inventory	Reflects purchase date, cost, account number	GC 26202, 34090	Until audited + 2 years
Fixed Assets Surplus Property	Auction, disposal, listing of property	GC 26202, 34090 CCP 337	Until audited + 4 years
Forms	Administrative - blank		Until Superseded
Fund Transfers	Internal; bank transfers & wires	GC 26202, 34090	Until audited + 2 years
General Ledgers	All annual financial summaries	GC 34090 CCP 337 Sec. of State Local Gov't. Records Retention Guidelines	Until audited +4 years Sec. of State Guidelines recommends permanent retention [May be revised at a later time by Sec. of State or County officials]

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Gift to Agency Report (FPPC Form 801)	FPPC form showing payment or donation made to OCLAFCO or to an OCLAFCO official and which can be accepted as being made to OCLAFCO	FPPC Reg. 18944(c)(3)(F) (G); FPPC Fact Sheet: "Gifts to an Agency – Part 2"	Must be posted on OCLAFCO website for 4 years (per FPPC Fact Sheet)
Gifts/Bequests	Receipts or other documentation	GC 34090	Until completed + 2 years
Grants - Successful Federal, State, or other grants	Grants documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub- recipient dockets, environmental review, grant documents, inventory, consolidated plan, etc.	GC 34090 24 CFR 570.502 24 CFR 85.42	Until completed + 4 years Must see each individual grant for retention requirements.
Grants – Unsuccessful	Applications not entitled	GC 26202, 34090	2 years
Insurance	Personnel related	GC 26202, 34090	Current + 2 years
Insurance, Joint Powers Agreement	Accreditation, MOU, agreements and agendas	GC 26202, 34090	Current + 2 years
Insurance Certificates	Liability, performance bonds, employee bonds, property; insurance certificates filed separately from contracts, includes insurance filed by licensees	GC 26202, 34090	Current + 2 years
Insurance, Liability/Property	May include liability, property, Certificates of Participation, deferred, use of facilities	GC 26202, 34090	Current + 2 years
Insurance, Risk Management Reports	Federal and State OSHA forms; loss analysis report; safety reports; actuarial studies	29 CFR 1904.44 GC 26202, 34090	5 years (Federal) 2 years (State)

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Investment Reports, Transactions	Summary of transactions, inventory and earnings report	GC 34090, 60201 CCP 337 Sec. of State Local Gov't. Records Retention Guidelines	Until audited +4 years Sec. of State Guidelines recommends permanent retention
Invoices	Copies sent for fees owed, billing, related documents	GC 26202, 34090	Until audited + 2 years
Legal Notices/Affidavits of Publication	Notices of public hearings, proof of publication of notices	GC 26202, 34090	2 years
Legal Opinions	Confidential - not for public disclosure (attorney-client privilege)	GC 26202, 34090	Until superseded + 2 years
Litigation	Case files	GC 26202, 34090	Until settled or adjudicated + 2 years
Lobbying or Lobbyist Forms (FPPC forms)	FPPC Form 602 – Lobbying Firm	FPPC Reg. 18615(d)	5 years
Maintenance Manuals	Equipment service/maintenance	GC 26202, 34090	Current + 2 years
Maintenance/Repair Records	Equipment	GC 26202, 34090	2 years
Marketing, Promotional	Brochures, announcements, etc.	GC 26202, 34090	2 years
Minutes	Meeting minutes; paper records are to be maintained permanently by the agency.	GC 34090, 60201(d)(3)	Permanent Originals cannot be destroyed.
Newsletters	May wish to retain permanently for historic reference	GC 26202, 34090	2 years
Notices – Public Meetings	Special meetings	GC 26202, 34090	2 years
Oaths of Office	Elected and public officials – commissioners	GC 26202, 34090 29 USC 1113 Secretary of State Guidelines	Current plus 6 years
OCERS - Employee Benefits	Retirement Plan	29 USC 1027	6 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
OSHA	OSHA Log 200, Supplementary Record, Annual Summary (Federal & State-Cal-OSHA); OSHA 300 Log, privacy case list, annual summary, OSHA 301 incident report forms	LC 6410; 8 CCR 14307 29 CFR 1904.2 - 1904.6, 1904.33	5 years
Payroll - Federal/State Reports	Annual W-2's, W-4's, Form 1099s, etc.; quarterly and year-end reports	GC 60201	7 years
Payroll Deduction/ Authorizations	Finance	29 CFR 516.6(c) GC 60201	While Current + 7 years
Payroll, registers	Finance – payroll, registers, payroll reports	9 CFR 516.5(a) LC 1174(d) GC 60201	7 years from date of last entry
Payroll records terminated employees	Finance files	29 CFR 516.5 GC 60201	7 years from date of last entry
Payroll, time cards/sheets	Employee	29 CFR 516.6; LC 1174; Sec. of State Local Gov't Records Mgmt. Guidelines	3 years Sec. of State recommendation – Until audited + 6 years
Payroll - Wage Rates / Job Classifications	Employee records	GC 60201	While current + 7 years
Personnel Records	Other records (not payroll) containing name, address, date of birth, occupation, etc., including records relating to promotion, demotion, transfer, lay-off, termination	29 CFR 1627.3	3 years
Personnel Rules and Regulations	Including employee handbook, employee manuals, and other policies/procedures	CFR 516.6, 1627.3(a)	Current + 3 years
Petitions	Submitted to legislative bodies	GC 26202, 34090	Current + 2 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Policies & Procedures	All policies and procedures adopted by the Commission; directives rendered by the agency not assigned a resolution number; Commission Bylaws	GC 26202, 34090	Current + 2 years
Political Support/Opposition, Requests & Responses	Related to legislation	GC 26202, 34090	2 years
Press Releases	Related to OCLAFCO actions/activities	GC 26202, 34090	2 years
Procedure Manuals	Administrative	GC 26202, 34090	Current + 2 years
Public Records Request	Requests from the public to inspect or copy public documents	GC 26202, 34090, 60201(d)(5)	2 years
Purchasing RFQs, RFPs	Requests for Qualifications; Requests for Proposals – regarding goods and services	GC 26202, 34090	Current + 2 years
Purchasing, Requisitions, Purchase Orders	Original documents	GC 34090 CCP 337	Until audited + 4 years
Recordings - audio (e.g., for preparation of meeting minutes)	Audio recordings of Commission “made for whatever purpose by or at the direction of the local agency.”	GC 54953.5	Minimum 30 days
Recordings, video—meetings of legislative bodies	Video recordings of public meetings made by or at the direction of the Commission	GC 54953.5	Minimum 30 days
Recordings, video, other events	Other than video recordings of public meetings; considered duplicate records if another record of the same event is kept (i.e., written minutes or audio recording)	GC 53161	Minimum 90 days after event is recorded; if no other record of the event exists, the recording must be kept 2 years
Records Management Disposition/Destruction Certification	Documentation of final disposition/destruction of records	GC 34090, 60201	Permanent

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Records Retention Schedules		GC 26202, 34090	Current + 2 years
Recruitments and Selection	Records relating to hiring, promotion, selection for training	29 CFR 1627.3	3 years
Requests for Qualifications (RFQs); Requests for Proposals (RFPs)	Requests for Qualifications, Requests for Proposals, and related responses	GC 26202 - 2 Years CCP 337 4 years	Current + 4 years
Resolutions	Vital records – may be imaged, but originals can never be destroyed	GC 34090, 60201	Permanent
Returned Checks	Finance – Adjustments – NSF, etc. (not OCLAFCO checks)	GC 26202, 34090 CCP 337	Until audited + 4 years
Salary/Compensation Studies, Surveys	Studies or surveys of other agencies regarding wages, salaries and other compensation benefits	GC 26202, 34090	While current + 2 years
State Controller	Annual reports	GC 12465	3 years
Statement of Economic Interest (SEI) (FPPC Form 700) (originals – designated employees)	Original SEIs of officers and employees designated in OCLAFCO's Conflict of Interest Code	GC 81009(e), (g)	7 years (can image after 2 years)
Stop Payments	Finance - bank statements	GC 26202, 34090	2 years
Unemployment Insurance Records	Records relating to unemployment insurance – claims, payments, correspondence, etc.	USC 3301-3311; Calif. Unemployment Insurance Code; CCP 343	4 years
Vouchers - Payments	Account postings with supporting documents	GC 26202, 34090 CCP 337	Until audited + 4 years
Wage Garnishment	Wage or salary garnishment	OCP 337	Active until garnishment is satisfied; then retain until audited + 4 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Warrant Register/Check Register	Record of checks issued; approved by the Commission (copy is normally retained as part of agenda packet information)	GC 26202, 34090	Until audited + 2 years
Workers Compensation Files	Work-injury claims (including denied claims); claim files, reports, etc.	8 CCR 10102 8 CCR 15400.2	Until settled + 5 years

Original Adoption Date: 2/8/2006
Date of Last Review: 02/14/2018
Date of Last Revision: 08/14/2019

Records Retention and Destruction Policy

I. PURPOSE

The purpose of this policy is to provide guidelines to staff regarding the retention of records of the Orange County Local Agency Formation Commission (LAFCO); provide for the identification, maintenance, and safeguarding of OC LAFCO records and the destruction of obsolete records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

II. POLICY

It is the policy of this Commission to retain OC LAFCO documents and other records in accordance with the retention schedule established in the attached table. The schedule is in compliance with the minimum retention periods mandated by the California Government Code, the California Code of Civil Procedure, the Code of Federal Regulations, the Secretary of State Local Government Records Management Guidelines, and other legal authorities cited.

III. PROCEDURE

- A. The staff member 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 to this policy as Attachment "A." The staff member submits the form to the Commission Clerk.
- B. The Commission Clerk 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 Commission Clerk also confirms that any applicable reproduction requirements (i.e., imaging, etc.) for each document are complete. The Commission Clerk also verifies that the documents are not relevant to a lawsuit, administrative charge or a claim, a subpoena, an investigation, a litigation hold, a Public Records Act request, an audit, or similar proceeding, which is in progress or which can reasonably be anticipated.
- C. The Commission Clerk submits the form to the Executive Officer, who reviews and signs the form and then returns the signed form to the Commission Clerk.
- D. After receiving the signed form from the Executive Officer, the Commission Clerk oversees the destruction of the obsolete documents, indicates the method of destruction on the form, signs the form and returns the original signed form to the Executive Officer.
- E. The Executive Officer will retain all original signed forms requesting destruction of obsolete records for a minimum period of two (2) years.

- F. The Commission Clerk will permanently retain a master log of all destroyed obsolete documents which includes the titles or brief descriptions of the obsolete documents that were destroyed, the method of destruction and the date of destruction.

IV. GENERAL GUIDELINES

- A. The Commission Clerk shall be responsible for the administration of this policy and shall assist all OCLAFCO personnel to comply with the provisions of this policy and with the Records Retention Schedule, set forth in Attachment "B."
- B. The following general guidelines apply to all OCLAFCO records.
1. The Commission may authorize the destruction of any duplicate records at any time. (Gov. Code §§ 26201, 60200.)
 2. Unless otherwise required by State or federal law, the Commission may authorize the destruction of any original document which is more than two (2) years old 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 §§ 26202, 60201.)
 3. In addition to the retention periods required under this policy, the Commission 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 ~~§§ 34090; 60201, subd. (d)(10).~~
 4. Pursuant to Government Code section 60201, the Commission shall not destroy any of the following records:
 - (a) Records relating to the formation change of organization, or reorganization of the Commission;
 - (b) Ordinances and resolutions, unless they have been repealed or have become invalid or otherwise unenforceable for five (5) years;
 - (c) Minutes of any meeting of the Commission;
 - (d) Records relating to any pending claim, litigation, any settlement or other disposition of litigation within the past two (2) 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 Commission;
 - (f) Records relating to any pending construction that the Commission has not accepted or for which a stop notice claim may be legally presented;
 - (g) Records relating to any non-discharged debt of the Commission;
 - (h) Records relating to the title to real property in which the Commission has an interest;

- (i) Records relating to any nondischarged contract to which the Commission 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 Commission employees, officers, or independent contractors

C. Exceptions to Scheduled Destruction. Destruction of any record shall be postponed if that record is responsive to a subpoena, a litigation hold or other request for preservation, a Public Records Act request, an audit, or a claim filed against OC LAFCO. In addition, records that relate to any active litigation or potential litigation involving OC LAFCO shall be preserved until the litigation is resolved. OC LAFCO personnel who become aware of a subpoena, claim, Public Records Act request, etc., that affects records under their control shall use their best efforts, by any reasonable means available to them, to preserve those records. In such situations, OC LAFCO personnel shall contact the Commission Clerk regarding the affected records.

V. 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 Commission minutes, resolutions or contracts

(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
 - Retirements
 - Time cards
 - (j) Other
 - Inventory Records (Purchasing)
 - Capital Asset Records (Purchasing)
 - Depreciation Schedule
 - Cost Accounting Records
2. General ledgers should be retained a minimum of four (4) years after completion of any annual audit (Code of Civ. Pro. § 337.) Published articles show retention periods of four (4) to seven (7) years as typical. However, the Secretary of State recommends that general ledgers be permanently retained. (Sec. of State Local Gov't. Records Mgmt. Guidelines; Gov. Code § 34090.).
 3. In general, the Commission should retain original source documents that are detailed in a register, journal, ledger or statement **until audited plus four (4) years**. (Sec. of State Local Gov't Records Mgmt.) Certain source documents may be retained for a shorter period of time. Refer to the records retention schedule for specific accounting documents.
 4. At any time, the Commission may destroy rough drafts, notes, working papers (except for audits) that are not retained by the Commission in the ordinary course of business, including temporary or transitory documents used only for controlling the flow of work (e.g., "Post-It®" notes).

5. In addition to any required legal retention period, the Commission shall not authorize the destruction of any record subject to audit until it has been determined that the audit has been performed. (Gov. Code § ~~34090~~14755, subd. (b); Gov. Code § 60201, subd. (d)(10).)
- B. Long-Term Debt Records
1. The Commission may destroy paid bonds, warrant certificates and interest coupons after **ten (10) years**. (Code of Civil Proc. § 337.5.)
 1. The Commission may not destroy any documents relating to any non-discharged debt. (Gov. Code § 60201, subd. (d) (7).)
- C. Commission Records
1. The Commission shall retain original records of the minutes of meetings of the Commission **indefinitely**. (Gov. Code §§ 34090; 60201.)
 2. The Commission shall retain original ordinances and resolutions **indefinitely**. (Gov. Code §§ 34090; 60201.) However, ordinances or resolutions that have been repealed or are otherwise invalid or unenforceable may be destroyed after five (5) years. (Gov. Code § 60201, subd. (d)(2).)
- D. Statements of Economic Interest (SEI) [Form 700] and Other Reports Filed Pursuant to the Political Reform Act.
1. Filing officers shall retain original statements and reports for **seven (7) years**. (Gov. Code § 81009 (c), (e).) After an original report or statement has been on file for at least two (2) years, the filing officer may retain an electronically imaged copy available for public inspection instead of the original report or statement. (Gov. Code § 81009, subd. (g).)
 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).) After a copy of a report or statement has been on file for at least two (2) years, the filing officer may retain an electronically imaged copy available for public inspection instead of the paper copy. (Gov. Code § 81009, subd. (g).)
- E. Contracts
1. The Commission shall retain original contracts for **four (4) years** after completion of the contracts. (Code of Civ. Proc. § 337.)
 2. The Commission shall retain contracts with any person or entity that 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 Commission shall retain original property records, such as title documents, **indefinitely**, or until the property is transferred or otherwise no longer owned by the Commission. (Gov. Code §§ 34090, 60201.)

G. Payroll and Personnel Records

1. Payroll and personnel records include, but are not limited to, the following:

- (a) Accident reports, injury claims and settlements
- (b) Medical histories
- (c) Injury frequency charts
- (d) Applications, changes and terminations of employees
- (e) Insurance records of employees
- (f) Time cards
- (g) Job descriptions
- (h) Performance or rating documents
- (i) Earning records and summaries

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

2. The Commission shall retain personnel files for **three (3) years** after an individual's employment terminates. (Labor Code § 1198.5; 29 CFR 1627.3.)

3. The Commission shall retain medical records of employees who have been exposed to toxic substances or harmful physical agents for **thirty (30) years beyond the length of employment**. Such medical records shall 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. Such medical records ~~to 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 treatments, loss of consciousness, restriction of work or motion, or transfer to another job. (29 CFR 1910.1020; 8 Cal. Code Regs. § 3204 (d)(1)(A)(B).)

For employees who are employed by the Commission for less than one year, the Commission does not need to retain the employee's medical records regarding exposure to hazardous substances if the Commission provides the employee with such records upon termination of employment. (*Ibid.*)

Routine medical records including first aid records for one-time treatment, observation of minor injuries, records relating to medical leave taken by employees with information including hours taken, notices, and policies; burns; splinters; etc., should be kept for the **length of employment plus three (3) years**. (29 C.F.R. 825.500.)

4. The Commission may destroy personnel fidelity bonds **two (2) years**

after termination. (Gov Code § 34090.) Wage garnishments must be retained while active until garnishment is satisfied, then retained until audited plus **four (4) years** after termination. (Ibid.)

5. The Commission shall retain payroll records containing the name, address, date of birth, gender, 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 C.F.R. Part 516.5; Labor Code §§ 1174, 1197.5; Gov. Code § 60201.) Payroll registers listing labor costs by employee and program should be retained for a minimum of **seven (7) years from date of payment**. Permanent retention of payroll registers is recommended in the Secretary of State Local Government Records Management Guidelines.

6. The Commission shall retain basic time cards or time sheets on which are entered daily starting and stopping times of individual employees for a minimum of three (3) years. The Secretary of State Local Government Records Management Guidelines recommends retaining such documents **for six (6) years**. (29 C.F.R. Part 516.6; Labor Code § 1174; Sec. of State Local Gov't Records Mgmt. Guidelines.

7. The Commission 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 C.F.R. 1627.3.)

8. The Commission shall retain records regarding the race, gender, and national origin of each applicant and for the job for which such applicant applied for **two (2) years** from the date of the creation of the record or the date of the personnel action involved, whichever occurs later. The Commission may either retain the original documents used to identify applicants or keep statistical summaries of the collected information. (~~2 CCR § 7287.0, subds. (b)(2), (c) Gov. Code § 12946.~~)

H. Construction and Engineering Records.

1. The Commission shall retain certain original construction records, such as bids, correspondence, and change orders, for **four (4) years** after 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 Commission shall retain as-built plans for any public facility or works as long as the facility exists.
2. The Commission may destroy unaccepted bids or proposals for public works after **two (2) years**. (Gov. Code §§ 26202.1, 60201.)
3. The Commission shall retain supporting documents on capital improvement projects, including bidder's lists, specifications, reports, plans, work orders, schedules, etc., for **ten (10) years after project completion**. (Code of Civ. Proc. § 337.15.)

- I. Exposure/Safety Records and Material Safety Data Sheets (MSDS).
1. The Commission 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; 29 C.F.R. 1910.1020.)
 2. The Commission may destroy the material safety data sheet (MSDS) for a hazardous substance after the Commission 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); 29 C.F.R. 1910.1020(d)(ii)(B).)
- J. Video Monitoring, Telephone and Radio Communications; Other Video and Audio Recordings
1. The Commission shall retain recordings of **routine video monitoring** (e.g., building security ~~taping~~ recording systems) for at least **one (1) year**. After the one-year retention period, the Commission may destroy the video recording upon approval by the Commission. (Gov. Code §§ 34090.6, 53160.)
 2. Upon authorization of the Commission, recordings of telephone and radio communications maintained by the Commission may be destroyed after **100 days**. (Gov. Code §§ 34090.6.)
 3. Video or audio recordings of Commission meetings, made at the direction of the Commission, for whatever purpose, must be retained at least 30 days after the meeting. (Gov. Code § 54953.5.)
 4. If the Commission keeps another record, such as written minutes, of an event (other than Commission meetings) that is recorded on video ~~tape~~ or digitally recorded, the Commission 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 recording may be destroyed or erased, upon approval by the Commission. (Gov. Code §§ 34090.7; 53161; 85 Ops. Cal. Atty. Gen. 256 (2002).)
- K. Records Retention Schedule

The "Records Retention Schedule" is attached to this policy as Attachment "B" and is incorporated herein by reference. This policy and the Records Retention Schedule comply with the records retention guidelines provided by the California Secretary of State and may be updated from time to time.

ATTACHMENT "A"

REQUEST FOR DESTRUCTION OF OBSOLETE RECORDS

ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

To: Commission Clerk

From: _____

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:

Commission Clerk

Date

Executive Officer

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 LAFCO and all applicable requirements of State and federal law.

Commission Clerk

Date of Records Destruction

ATTACHMENT “B” RECORDS RETENTION SCHEDULE

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Accident/Illness Reports (OSHA Reports)	Not a public record; For Employee Medical Records & Employee Exposure Records regarding exposure to toxic substances or harmful physical agents --Includes Material Safety Data Sheets (MSDS) --Does NOT include: records of health insurance claims maintained separate from employer's records; first aid records of one-time treatments for minor injuries; records of employees who worked less than one (1) year if records are given to employee upon termination.	GC 6254(c) 8CCR 32304(d)(1)(A) (B)	Duration of employment plus 30 years
Accidents/Damage to OCLAFCO Property	Risk Management Administration	GC 340901 CCP 337.15	10 years
Accounting Records – General Ledger	General Ledger	GC 34090 CCP 337 Sec. of State Local Gov't Records Mgmt. Guidelines	Until audited +4 years Published articles show 4-7 years retention as typical Sec. of State Guidelines recommends permanent retention
Accounting Records – Permanent Books of Accounts	Records showing items of gross income, receipts and disbursement (including inventories per IRS regulations)	26 CFR 1.6001-1(c) & (e)	Permanent

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Accounts Payable	Journals, statements, asset inventories, account postings with supporting documents, vouchers, investments, invoices and back-up documents, purchase orders, petty cash, postage, OCERS reports, check requests, etc. Expense reimbursements to employees & officers; travel expense reimbursements or travel compensation.	CCP 337 26 CFR 31.6001-1(e)(2); Secretary of State Local Gov't. Records Mgmt. Guidelines recommendation	Until audited + 4 years 7 years after date of payment
Accounts Receivable	Receipts for deposited checks, coins, currency; reports, investments, receipt books, receipts, cash register tapes, payments for fees, permits, etc.	26 CFR 31.6001-1(e)(2); Sec. of State Local Gov't Records Mgmt. Guidelines recommendation	Until audited +4 years
Affidavits of Publication / Posting	Legal notices for public hearings, publication of ordinances, etc.	GC 34090	2 years
<u>Agency Report of Consultants (FPPC Form 805)</u>	<u>Identifies consultants hired by OCLAFCO who must file Form 700</u>	<u>2 CCR 18734; GC 81009(e)</u>	<u>7 years</u>
<u>Agency Report – Events and Ticket/Pass Distribution (FPPC Form 802)</u>	<u>Report of tickets/passes; identifies persons who received tickets/passes and describes the public purpose for the distribution</u>	<u>GC 81009(e)</u>	<u>Originals - 7 years</u>
Agency Report of Public Official Appointments (FPPC Form 806)	Report of additional compensation received by OCLAFCO official when appointing themselves to committees, boards or commission of other public agencies, special districts, joint powers agencies or joint powers authorities. Current report must be posted on OCLAFCO's website.	2CCR 18705.5; GC 34090.5	Recommended retention; keep a copy of report for 2 years after removal from OCLAFCO's website

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Agenda / Agenda Packets	Original agendas, agenda packets, staff reports and related attachments, supplemental items and documentation submitted by staff/public in relation to agenda items. Paper copies of agenda packets should be maintained for 1 year as complete packets. Originals will later be imaged for permanent records retention; the imaged record may serve as the permanent record.	GC 34090 GC 34090.5	Current + 2 years
Agreements (see also Contracts)	Original contracts and agreements and back-up materials, including leases, service/maintenance agreements, etc.	CCP 337 CCP 337.2 CCP 343	4 years after termination/ completion
Annexations / Reorganizations	Notices, Resolutions, Certificates of Completion; documents may be imaged, but the originals can never be destroyed.	GC 34090 GC 60201(d)(1)	Permanent
Annual Financial Report	May include independent auditor analysis.	GC 26201, 34090 Sec of State Local Gov't Records Mgmt. Guidelines GC 34090 GC 60201	Permanent
Articles of Incorporation		Guidelines GC 34090 (a)	Permanent

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Audit Reports	Financial services; internal and/or external reports;	GC 34090; CCP 337; CCP 343 Sec. of State Local Gov't. Records Retention Guidelines	Minimum retention – Current + 4 years Sec. of State Guidelines recommends permanent retention [May be revised at a later time by Sec. of State or County officials]
Audit Hearing or Review	Documentation created and or received in connection with an audit hearing or review	GC 26202, 34090	2 years
Ballots – Special District elections	Copies of ballots from elections of Special Districts (OCLAFCO members)	GC 26202, 34090, 60201	2 years
Bank Account Reconciliations	Bank statements, receipts, certificates of deposit, etc.	26 CFR 31.6001-1(e)(2)	Until audited + 4 years; Secretary of State recommends until audited + 5 years
<u>Behested Payment Report (FPPC Form 803)</u>	<u>FPPC form used by elected officials to disclose payments made at their behest (\$5,000 or more from same source) for legislative, governmental, or charitable purposes.</u>	<u>GC 81009, 82015(b)(2)(B)(iii)</u>	<u>7 years</u>
Brochures/ Publications	Retain selected documents only for historic value	GC 26202, 34090	2 years
Budget, Annual	Annual operating budget approved by OCLAFCO	GC 26202, 34090; Sec. of State Local Gov't Records Mgmt. Guidelines	Until audited + 2 years; Sec. of State recommends permanent retention
Cal-OSHA	Personnel logs, supplementary records; annual summary (Federal and State-Cal-OSHA)	LC 6410; 8CCR 14307	5 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Checks (issued by OCLAFCO)	OCLAFCO checks paid – expense reimbursements; payments to independent contractors, etc. Includes check copies; canceled and voided checks; electronic versions of checks. OCLAFCO check paid to vendors; other OCLAFCO payments - includes check copies; canceled or voided checks; electronic versions of checks.	GC 60201(d)(12) CCP 337 Sec. of State Local Gov't Records Mgmt. Guidelines; CCP 337; 26 CFR 31.6001-1(e)(2)	7 years Until audited +4 years
Citizen Feedback	General correspondence	GC 26202, 34090	2 years
Claims Against OCLAFCO	Paid/denied	GC 60201(d)(4); GC 25105.5	Until settled + 5 years
Complaints/Requests	Various files, not related to specific lawsuits involving the agency and not otherwise specifically covered by the retention schedule	GC 26202, 34090	2 years
Contracts	Original contracts and agreements and back-up materials, including leases, service/maintenance contracts, etc.	CCP 337, 337.2, 343	4 years after termination/ completion
Correspondence	General correspondence, including letters and e-mail; various files, not otherwise specifically covered by the retention schedule	GC 26202, 34090	2 years
Deferred Compensation Reports	Finance - pension/retirement funds	29 CFR 516.5 29 CFR 1627.3	3 years
Demographic/ Statistical Data		GC 26202, 34090	Current +2 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Deposits, Receipts	Receipts for deposited checks, coins, currency	CCP 337; 26 CFR 31.6001-1(e)(2); Sec. of State Local Gov't Records Mgmt. Guidelines;	Until audited + 4 years
DMV Driver's Records, Reports (DMV Pull Notice System)	Part of personnel records – not a public record	GC 34090 GC 6254(c) VC 1808.1(c) Sec. of State Local Gov't Records Mgmt. Guidelines	Until superseded (should receive new report every 12 months) Sec. of State recommends retention until termination + 7 years
Employee Files	Personnel - information - may include release authorizations, certifications, reassignments, outside employment, commendations, disciplinary actions, terminations, oaths of office, evaluations, pre-employee medicals, fingerprints, identification cards	GC 12946 29 CFR 1627.3	While current + 3 years
Employee Information Applicant Identification Records	Personnel – data recording race, sex, national origin of applicants	2 CCR 7287(b). (c)(2)	2 years
Employee Information, General	Name, address, date of birth, occupation	GC 12946 29 CFR 1627.3 LC 1174	3 years
Employee Information, Payment	Rate of pay and weekly compensation earned	GC 60201	7 years
Employee Programs	Includes EAP and Recognition	GC 26202, 34090 GC 12946	Current + 2 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Employee, Recruitment	Alternate lists/logs, examination materials, examination answer sheets, job bulletins	GC 12946 GC 26202, 34090 29 CFR 1602 et. seq. 29 CFR 1627.3	Current + 2 years
Employee, Reports	Employee statistics, benefit activity, liability loss	GC 26202, 34090	Current + 2 years
Employee Rights - General		GC 12946 29 CFR 1602.31	Length of employment + 2 years
Employment Applications - Not Hired	Applications submitted for existing or anticipated job openings, including any records pertaining to failure or refusal to hire applicant	GC 26202, 34090 GC 12946 29 CFR 1627.3	2 years
Employment Eligibility Verification (I-9 Forms)	Federal Immigration and Nationality Act; Immigration Reform/Control Act 1986	8 USC 1324a (b)(3) Pub. Law 99-603	3 years after date of hire, or 1 year after date of termination, whichever is later
Employment - Surveys and Studies	Includes classification, wage rates	GC 12946 GC 26202, 34090 29 CFR 516.6	2 years
Employment - Training Records, Non-Safety	Volunteer program training - class training materials, internships	GC 34090 GC 12946	Length of employment + 2 years
Employment - Vehicle Mileage Reimbursement Rates	Annual mileage reimbursement rates	GC 26202, 34090	Until superseded + 2 years
Environmental Quality California Environmental Quality Act (CEQA)	Exemptions, Environmental Impact Reports, mitigation monitoring, Negative Declarations, Notices of Completion and Determination, comments, Statements of Overriding Considerations	GC 34090; 60201 CEQA Guidelines	Permanent

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Environmental Quality Environmental Review	Correspondence, consultants, issues, conservation	GC 26202, 34090	Completion + 2 years
ERISA Records	Employee Retirement Income Security Act of 1974 – plan reports, certified information filed, records of benefits due	29 USC 1027, 2059 <i>La Barbera v. A. Morrison Trucking, Inc.</i> 2011 US Dist. LEXIS 16343 (E.D.N.Y. Feb. 17, 2011)	6 years
Family and Medical Leave Act (FMLA) (Federal)	Records of leave taken, OCLAFCO policies relating to leave, notices, communications relating to taking leave	29 CFR 825.500 GC 12946	While employed +3 years (Federal) or 2 years (State)
Fixed Assets Inventory	Reflects purchase date, cost, account number	GC 26202, 34090	Until audited + 2 years
Fixed Assets Surplus Property	Auction, disposal, listing of property	GC 26202, 34090 CCP 337	Until audited + 4 years
Forms	Administrative - blank		Until Superseded
Fund Transfers	Internal; bank transfers & wires	GC 26202, 34090	Until audited + 2 years
General Ledgers	All annual financial summaries	GC 34090 CCP 337 Sec. of State Local Gov't. Records Retention Guidelines	Until audited +4 years Sec. of State Guidelines recommends permanent retention [May be revised at a later time by Sec. of State or County officials]

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Gift to Agency Report (FPPC Form 801)	FPPC form showing payment or donation made to OCLAFCO or to an OCLAFCO official and which can be accepted as being made to OCLAFCO	FPPC Reg. 18944(c)(3)(F) (G); FPPC Fact Sheet: "Gifts to an Agency – Part 2"	Must be posted on OCLAFCO website for 4 years (per FPPC Fact Sheet)
Gifts/Bequests	Receipts or other documentation	GC 34090	Until completed + 2 years
Grants - Successful Federal, State, or other grants	Grants documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub- recipient dockets, environmental review, grant documents, inventory, consolidated plan, etc.	GC 34090 24 CFR 570.502 24 CFR 85.42	Until completed + 4 years Must see each individual grant for retention requirements.
Grants – Unsuccessful	Applications not entitled	GC 26202, 34090	2 years
Insurance	Personnel related	GC 26202, 34090	Current + 2 years
Insurance, Joint Powers Agreement	Accreditation, MOU, agreements and agendas	GC 26202, 34090	Current + 2 years
Insurance Certificates	Liability, performance bonds, employee bonds, property; insurance certificates filed separately from contracts, includes insurance filed by licensees	GC 26202, 34090	Current + 2 years
Insurance, Liability/Property	May include liability, property, Certificates of Participation, deferred, use of facilities	GC 26202, 34090	Current + 2 years
Insurance, Risk Management Reports	Federal and State OSHA forms; loss analysis report; safety reports; actuarial studies	29 CFR 1904.44 GC 26202, 34090	5 years (Federal) 2 years (State)

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Investment Reports, Transactions	Summary of transactions, inventory and earnings report	GC 34090, 60201 CCP 337 Sec. of State Local Gov't. Records Retention Guidelines	Until audited +4 years Sec. of State Guidelines recommends permanent retention
Invoices	Copies sent for fees owed, billing, related documents	GC 26202, 34090	Until audited + 2 years
Legal Notices/Affidavits of Publication	Notices of public hearings, proof of publication of notices	GC 26202, 34090	2 years
Legal Opinions	Confidential - not for public disclosure (attorney-client privilege)	GC 26202, 34090	Until superseded + 2 years
Litigation	Case files	GC 26202, 34090	Until settled or adjudicated + 2 years
Lobbying or Lobbyist Forms (FPPC forms)	FPPC Form 602 – Lobbying Firm Activity Authorization; FPPC Form 635 – Report of Lobbyist Employer & Report of Lobbying Coalition – forms used when employing or contracting with a lobbying firm	FPPC Reg. 18612(d)	5 years
Maintenance Manuals	Equipment service/maintenance	GC 26202, 34090	Current + 2 years
Maintenance/Repair Records	Equipment	GC 26202, 34090	2 years
Marketing, Promotional	Brochures, announcements, etc.	GC 26202, 34090	2 years
Minutes	Meeting minutes; paper records are to be maintained permanently by the agency.	GC 34090, 60201(d)(3)	Permanent Originals cannot be destroyed.
Newsletters	May wish to retain permanently for historic reference	GC 26202, 34090	2 years
Notices – Public Meetings	Special meetings	GC 26202, 34090	2 years

ATTACHMENT D

Oaths of Office	Elected and public officials – commissioners	GC 26202, 34090 29 USC 1113 Secretary of State Guidelines 29 USC 1027	Current plus 6 years
OCERS - Employee Benefits	Retirement Plan		6 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
OSHA	OSHA Log 200, Supplementary Record, Annual Summary (Federal & State-Cal-OSHA); OSHA 300 Log, privacy case list, annual summary, OSHA 301 incident report forms	LC 6410; 8 CCR 14307 29 CFR 1904.2 - 1904.6, 1904.33	5 years
Payroll - Federal/State Reports	Annual W-2's, W-4's, Form 1099s, etc.; quarterly and year-end reports	GC 60201	7 years
Payroll Deduction/Authorizations	Finance	29 CFR 516.6(c) GC 60201	While Current + 7 years
Payroll, registers	Finance – payroll, registers, payroll reports	9 CFR 516.5(a) LC 1174(d) GC 60201	7 years from date of last entry
Payroll records terminated employees	Finance files	29 CFR 516.5 GC 60201	7 years from date of last entry
Payroll, time cards/sheets	Employee	29 CFR 516.6; LC 1174; Sec. of State Local Gov't Records Mgmt. Guidelines	3 years Sec. of State recommendation – Until audited + 6 years
Payroll - Wage Rates / Job Classifications	Employee records	GC 60201	While current + 7 years
Personnel Records	Other records (not payroll) containing name, address, date of birth, occupation, etc., including records relating to promotion, demotion, transfer, lay-off, termination	29 CFR 1627.3	3 years
Personnel Rules and Regulations	Including employee handbook, employee manuals, and other policies/procedures	CFR 516.6, 1627.3(a)	Current + 3 years
Petitions	Submitted to legislative bodies	GC 26202, 34090	Current + 2 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Policies & Procedures	All policies and procedures adopted by the Commission; directives rendered by the agency not assigned a resolution number; Commission Bylaws	GC 26202, 34090	Current + 2 years
Political Support/Opposition, Requests & Responses	Related to legislation	GC 26202, 34090	2 years
Press Releases	Related to OCLAFCO actions/activities	GC 26202, 34090	2 years
Procedure Manuals	Administrative	GC 26202, 34090	Current + 2 years
Public Records Request	Requests from the public to inspect or copy public documents	GC 26202, 34090, 60201(d)(5)	2 years
Purchasing RFQs, RFPs	Requests for Qualifications; Requests for Proposals – regarding goods and services	GC 26202, 34090	Current + 2 years
Purchasing, Requisitions, Purchase Orders	Original documents	GC 34090 CCP 337	Until audited + 4 years
Recordings - audio (e.g., for preparation of meeting minutes)	Audio recordings of Commission “made for whatever purpose by or at the direction of the local agency.”	GC 54953.5	Minimum 30 days
Recordings, video—meetings of legislative bodies	Video recordings of public meetings made by or at the direction of the Commission	GC 54953.5	Minimum 30 days
Recordings, video, other events	Other than video recordings of public meetings; considered duplicate records if another record of the same event is kept (i.e., written minutes or audio recording)	GC 53161	Minimum 90 days after event is recorded; if no other record of the event exists, the recording must be kept 2 years
Records Management Disposition/ Destruction Certification	Documentation of final disposition/destruction of records	GC 34090, 60201	Permanent

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Records Retention Schedules		GC 26202, 34090	Current + 2 years
Recruitments and Selection	Records relating to hiring, promotion, selection for training	29 CFR 1627.3	3 years
Requests for Qualifications (RFQs); Requests for Proposals (RFPs)	Requests for Qualifications, Requests for Proposals, and related responses	GC 26202 - 2 Years CCP 337 4 years	Current + 4 years
Resolutions	Vital records – may be imaged, but originals can never be destroyed	GC 34090, 60201	Permanent
Returned Checks	Finance – Adjustments – NSF, etc. (not OCLAFCO checks)	GC 26202, 34090 CCP 337	Until audited + 4 years
Salary/Compensation Studies, Surveys	Studies or surveys of other agencies regarding wages, salaries and other compensation benefits	GC 26202, 34090	While current + 2 years
State Controller	Annual reports	GC 12465	3 years
Statement of Economic Interest (SEI) (FPPC Form 700) (originals – designated employees)	Original SEIs of officers and employees designated in OCLAFCO's Conflict of Interest Code	GC 81009(e), (g)	7 years (can image after 2 years)
Stop Payments	Finance - bank statements	GC 26202, 34090	2 years
Unemployment Insurance Records	Records relating to unemployment insurance – claims, payments, correspondence, etc.	USC 3301-3311; Calif. Unemployment Insurance Code; CCP 343	4 years
Vouchers - Payments	Account postings with supporting documents	GC 26202, 34090 CCP 337	Until audited + 4 years
Wage Garnishment	Wage or salary garnishment	OCP 337	Active until garnishment is satisfied; then retain until audited + 4 years

Type of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Warrant Register/Check Register	Record of checks issued; approved by the Commission (copy is normally retained as part of agenda packet information)	GC 26202, 34090	Until audited + 2 years
Workers Compensation Files	Work-injury claims (including denied claims); claim files, reports, etc.	8 CCR 10102 8 CCR 15400.2	Until settled + 5 years

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