



SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT
POLICIES AND PROCEDURES

Policy No:	<u>1100.065.19</u>	Draft:	<u> </u>
Supersedes No:	<u>1100.065.13 (-01, -09)</u>	Final:	<u> x </u>
Date:	<u>December 19, 2019</u>	Pages:	<u> 11 </u>
Topic:	<u>Records Retention Policy</u>		
Distribution:	<u>All Staff</u>		

OVERVIEW

This Policies and Procedures Memorandum provides direction to District employees on the required procedures for retention of records. A “record” is any “writing,” as defined by subdivision (g) of [Section 6252](#) of the California Government Code. ¹

The District’s Record Retention Policy has been developed in accordance with California Government Code [Sections 60200-60204](#) (*Destruction of Records of Special Districts*).

The District may dispose of or destroy public records that are not required by law to be filed and preserved through either of two procedures. First, the District may ask the Board of Directors to adopt a resolution authorizing the destruction of District records. In that resolution, the Board of Directors must find that destruction or disposition of the category of records to be destroyed or disposed of will not adversely affect any interest of the District or the public. Additionally, the District must maintain a list, by category, of the types of records destroyed or disposed of that reasonably identifies the information contained in the records in each category.

Second, the District may destroy or dispose of records pursuant to a Records Retention Policy adopted by the Board of Directors pursuant to this Policies and Procedures Memorandum. On December 19, 2019, the Board of Directors amended the Records Retention Policy as set forth in Attachment A. In amending the Records Retention Policy, the Board of Directors determined that the destruction or disposition of the categories of records identified will not adversely affect any interest of the District or the public.

DISTRICT RECORDS RETENTION POLICY

The District’s policy is to implement the schedule detailed in the Records Retention Policy adopted by the Board of Directors. Files may be kept beyond the date listed in the Policy if the record is determined to be of value beyond the specified disposal date. There are some files that must be kept indefinitely as required by State and Federal law. These requirements are reflected in the Records Retention Policy in Attachment A.

¹ “Writing” means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Policies and Procedures Memoranda are intended to provide agency staff, applicants and the public guidance relative to standardized District procedures. These policies and procedures shall not be interpreted in conflict with District Rules and Regulations or administrative policies, and may be modified or updated periodically without advance notice.

The following are procedures for archiving, retrieving and purging archived material.

- **Electronic Archiving and Retrieval Procedures:**

Each Division is responsible for archiving its own records. Unless otherwise prohibited by law, the District is migrating from paper records to electronic format for all archiving purposes. Paper records are being archived in an electronic format by scanning the documents in the Portable Document Format (PDF). These electronic files should be saved using the OCR (Optical Character Recognition) searchable option when feasible. Electronic records may be saved in their native format (e.g., Excel spreadsheet, Outlook Email) and/or may be saved in the PDF format. Attachment A specifies the records that are kept in the normal course of business and the length of time these records must be maintained.

Each Division must coordinate with the Information Technology Section where their archived electronic files are maintained on the computer network. Instructions are available to District employees on how to locate and retrieve the archived files and how to search the archived files. At the discretion of each Division, additional retrieval tools, such as a database or spreadsheet, may be used to create a summary to track the archived files and streamline the retrieval process.

- **Paper Archiving and Retrieval Procedures:**

The process defined below shall be followed for those instances where the law requires the retention of paper copies. Each Division is responsible for archiving its own records using a District-approved archive box (e.g., a standard Bankers Box). Each archive box should be completely full and its contents listed on a "Request to Archive Material" form (attached).

- *Archiving Procedures.* Archived items should be listed with as much detail as possible on the archive form, including the date of each item. The Division shall review the Records Retention Policy Schedule (Attachment A) to determine the length of time the files must be stored and will assign a destruction date. A "Request to Archive" form is completed by the Division and provided to the Office Technician. The request form will be given a division designation archive box number by the Office Technician. The Office Technician ensures one copy of the list of contents is kept in the archive box and the original form is filed in their archive notebook and tracking spreadsheet. The Division will label each archive box and send the completed archive box to the designated storage area.
- *To Retrieve Material from Archives.* Employees that need to retrieve paper materials from the archives shall use the Archive Log (attached) located in the designated storage area. The Archive Log requires the employee name, box number, date retrieved, and date returned. It is the responsibility of each employee to complete the Archive Log when retrieving and returning archive materials.

- **Purging District Records:**

An annual District-wide review shall be made of all record storage areas. These include both physical and electronic records. The Administrative Manager shall send a reminder to the Division Managers. Each Division Manager is responsible for ensuring that all unnecessary records are purged in accordance with this Policies and Procedures Memorandum.

All confidential paper records to be destroyed will be shredded in-house or via a shredding service. It is the intention of the District to shred all other documents disposed of, however, the Control Officer may determine in a case-by-case basis if shredding is not necessary.

EMAIL RETENTION POLICY

Electronic mail (Email) and all attachments are “writings” that are subject to the Public Records Act and this Policy. Email is not a category of documents; rather, it is a medium for the receipt and transmission of documents and should be handled according to the source categories in this Policy. Email that is retained in the ordinary course of business may be retained either in its original format or may be saved electronically in PDF format and retained in the appropriate file folder on the District network. As a general rule, the District preference is to save the Email in the PDF format and to delete the Email from the Email Server. This ensures the required record is not inadvertently deleted at a later time.

The sender of an Email that is retained in the ordinary course of business is responsible for ensuring proper retention of Email sent within the District. All other copies are considered duplicates and may be deleted. Email received from persons outside the District that is retained in the ordinary course of business shall be retained by the District staff person who is the recipient of the Email in accordance with the procedures detailed in this Policy.

Emails that constitute notes, preliminary drafts, or inter- or intra-agency memoranda that are not retained in the ordinary course of business, and that are not otherwise required by law to be preserved, may be deleted at any time.

EMAIL SERVER RETENTION

District policy is to maintain Emails on the Email Servers for a rolling 12-month period. This applies to all Emails in the employee’s Email application account (e.g., Outlook), including those in sub-folders. With a rolling 12-month deletion policy, Emails are automatically deleted every day once it has been 12-months since the Email was received or sent – making it very important for staff to routinely save relevant Emails throughout their normal course of business.

EMAIL BACKUP TAPES

Email backup tapes are for disaster recovery purposes only and are not a storage method for the retention of public records. The District may access Email backup tapes periodically to restore data. Email backup tapes are retained for 42-calendar days.

NETWORK BACKUP TAPES

Network backup tapes are for disaster recovery purposes only and are not a storage method for the retention of public records. The District may access network backup tapes periodically to restore data. Network backup tapes are retained for 1-year on a rolling 12-month basis.

USE OF AUTHORIZED REPRODUCTION (e.g., electronic copies)

Except as expressly provided in this policy and the Board of Directors’ approved Records Retention Schedule (Attachment A), the District may at any time destroy or dispose of paper records where such records are reproduced electronically or by other medium authorized under Government Code Section 60203. Electronic or other reproduction shall not be done for any record, paper, or document expressly required by law to be filed and preserved. For a document to be reproduced electronically or otherwise, all of the conditions set forth in Government Code Section 60203 shall be met.

LITIGATION HOLD

No documents relevant to litigation shall be destroyed whenever there is a litigation hold in place. If litigation is filed against or by the District and a litigation hold is required, the District’s legal counsel will inform the Control Officer and Division Managers that a litigation hold is in effect and which documents must be

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preserved. The litigation hold shall apply to all documents identified by legal counsel, including Email and electronic documents. This includes those records otherwise authorized for destruction or disposal under this Records Retention Policy. The Division Managers shall inform their employees as necessary to implement the litigation hold. Any questions about the scope of the hold shall be referred to legal counsel.

AUDITS

This policy shall be reviewed and evaluated every five years.

ATTACHMENT A: District Records Retention Policy

BOX NUMBER

(Will be assigned by Office Technician)

REQUEST TO ARCHIVE MATERIAL

DATE: _____

DIVISION: _____

ORIGINATOR: _____

BOX TITLE: _____

LIST OF COMPLETE CONTENTS AND DATES:

DATE THIS BOX MAY BE PURGED:

RETENTION OVERRIDE
(Division Manager Initial)

ACTUAL PURGE DATE:

Make 2 copies; place one inside the box and give one to the Office Technician.

ATTACHMENT A

SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT RECORDS RETENTION POLICY

December 19, 2019

ITEM NO.	TITLE AND DESCRIPTION OF RECORDS	RETENTION POLICY	REMARKS
1	LITIGATION FILES - Case files containing pleadings and Counsel correspondence, memos, etc. regarding litigation matters.	Calendar year plus 5 years after case is closed.	Maintained by District Counsel
2	CLAIM FILES - Files pertaining to claims for tort, contract, etc., against the District:		
	a. Claims which do not develop into lawsuits.	Calendar year plus 3 years after receipt.	Clerk of the District Board
	b. Claims which do develop into lawsuits.	Calendar year plus 3 years after claim is settled.	Clerk of the District Board
3	COMPUTER NETWORK BACKUP TAPES	1 year, rolling 12 month basis.	District
4	EMAIL - that <u>are</u> retained by the District in the ordinary course of business.	Refer to appropriate source category noted within this table.	District
5	EMAIL BACKUP TAPES	42 calendar days.	District
6	NOTES, PRELIMINARY DRAFTS, OR INTERAGENCY OR INTRA-AGENCY MEMORANDA - that <u>are</u> retained by the District in the ordinary course of business.	Calendar year plus 1 full calendar year.	District
7	GENERAL REFERENCE FILES AND REFERENCE LIBRARY - Documents and correspondence of interest to management. Includes materials such as reports, historical records, studies, statistical analyses, texts, etc.	Calendar year plus 2 years after receipt.	District
8	DISTRICT CHRON FILES – General, routine correspondence issued by District Staff filed chronologically.	Calendar year plus 5 years after issuance.	District
9	WORK REQUESTS	Fiscal year plus 1 year.	District
10	REQUEST FOR WARRANTS	Fiscal year plus 5 years or any time after authorized reproduction.	Maintained by Auditor-Controller, Gov. Code §26907
11	FINAL BUDGET	Permanent.	District
12	PROPOSED BUDGET	Fiscal year plus 5 years after issuance.	District
13	CONTRACTS - Routine maintenance, service, independent contractors	Fiscal year plus 5 years after contract expires.	District (Statue of limitations is 4 years. (CCP 337))

ITEM NO.	TITLE AND DESCRIPTION OF RECORDS	RETENTION POLICY	REMARKS
14	CONTRACTS - Land, buildings or improvements.	Permanent.	District
15	AUDIT REPORTS - Audits prepared by District or commissioned by Auditor-Controller	Fiscal year plus 10 years.	District
16	FIXED ASSET INVENTORY - Inventory of all departmental fixed assets.	Fiscal year plus 5 years.	District
17	FIXED ASSET RECORDS	Fiscal year plus 5 years after asset is retired.	District
18	JOURNAL ENTRY - Used to enter postings to general ledger that are not automatically entered by the accounting system.	Fiscal year plus 3 years.	District
19	DEPOSIT RECORDS - Records documenting receipt and deposit of funds in Treasury.	Fiscal year plus 5 years after audit.	Treasurer, District
20	LOANS - LONG TERM - Records of long term loans to District used for special projects and verify expenses. Includes accounting records.	Fiscal year plus 5 years.	District
21	CAPITAL LEASES - Includes all information on all capital leases to keep track of payments on leases and for annual financial report. Includes copies of all leases on file and a capital lease schedule.	Fiscal Year plus 5 years after final payment.	District
22	PAYMENTS AND CLAIMS - Payments, claims and invoices for materials and services. Includes transfers and other billings.	Fiscal year plus 5 years.	District
23	TRAVEL EXPENSE CLAIMS - Includes mileage and expense claims.	Fiscal year plus 5 years.	District, Gov. Code §26907
24	PURCHASE ORDERS - Purchase requisition forms and correspondence relating to acquisitions of supplies, equipment, agreements, services, etc. with vendors.	Fiscal year plus 5 years.	District
25	CREDIT CARD AUTHORIZATION FORMS - Credit card authorization forms with receipt proof of processing.	Fiscal year plus 5 years after processing – must be shredded.	District
26	ACCOUNTS RECEIVABLE - Includes invoices, attachments, backup copies and remittance advices.	Fiscal year plus 5 years after final payment made.	District
27	HEALTH AND WELFARE PLAN DOCUMENTS - Summary plan descriptions (updates including changes and modifications) annual reports, notice of reportable events (plan amendments that may decrease benefits) and plan terminations.	Calendar year plus 6-years from date of reportable events.	Employee Retirement Income Security Act
28	INS FORM I-9	One year after date of termination	Immigration Reform and Control Act

ITEM NO.	TITLE AND DESCRIPTION OF RECORDS	RETENTION POLICY	REMARKS
29	PERSONNEL REQUISITIONS - Forms and correspondence regarding filling of departmental positions including inquiries, resumes and applications.	Calendar year plus 2 years.	District
30	EMPLOYEE PERSONNEL FOLDERS - Personnel records relating to hires, rehires, tests used in employment, promotion, transfers, demotions, selection for training, layoff, recall, doctors notes, terminations or discharge.	Calendar year plus 5 years after employee leaves.	Age Discrimination in Employment Act
31	EMPLOYEE BENEFITS FOLDER - District benefit plan enrollment forms; all medical plan and related enrollments and change requests; beneficiary forms; life insurance; all health and welfare related documents; coverage declinations; all COBRA related notices and COBRA enrollment documents.	Fiscal year plus 5 years after employee leaves.	District
32	BI-WEEKLY TIMECARDS	Fiscal year plus 5 years or after audit (2) years minimum.	District
33	BI-WEEKLY PAYROLL REGISTERS - Payroll information for all employees including benefit deductions.	Fiscal year plus 7 years or after audit. These records are retained in an electronic format.	District
34	PAYROLL TAX RECORDS - Basic employee data including name, address, and gender. Annual calendar year compensation records including: Amount of annual payment, straight time and overtime hours/pay, pension payments, fringe benefits paid, deductions, amounts of wages subject to withholding and actual taxes withheld.	<u>Paper records</u> : Fiscal year plus one, annual financial audit, whichever comes first. <u>Electronic Records</u> : Fiscal year plus 7 years for salary information and 15 years for state and federal tax report records, and employee W-2 forms.	Federal Insurance Contribution Act, Federal Income Tax Withholding Act
35	EMPLOYEE LEAVES OF ABSENCE - Basic employee data including name, address, occupation, rate of pay, daily and weekly hours worked per pay period, additions to/deductions from wages and total compensation. Dates and hours of leave taken by eligible employees. Copies of employee notices and documents describing employee benefits or policies and practices regarding paid and unpaid leave. Records of premiums payments of employee benefits. Records of any disputes regarding the designation of leave.	Calendar year plus 7 years.	Family Medical Leave Act, California Family Rights Act
36	INDUSTRIAL INJURY FILES - Forms, employee correspondence and reports relating to employees' injuries and illness.	Calendar year plus 5 years.	OSHA

ITEM NO.	TITLE AND DESCRIPTION OF RECORDS	RETENTION POLICY	REMARKS
37	OSHA RECORDS Illness and Prevention Program (§3203) a. Records of scheduled and periodic inspections required by §3203(a)(4) to identify unsafe conditions and work practices. b. Employee safety and health training records. c. Training records for employees who have worked for less than one year. Employee Exposure Records. (§3204) Employee records relating to exposure to toxic substances. Requests for accommodation of disability.	Calendar year plus 1 year. Calendar year plus 1 year. If retained, calendar year plus 1 year. Calendar year plus 30 years. 1 year after employee leaves, unless claim filed.	Title 8 of California Code of Regulations District 8 CCR §3203(b)(1) District 8 CCR §3203(b)(2) District 8 CCR §3203 District 8 CCR §3204 District
38	HEARING BOARD - Files relating to applications for variances, permit appeals, abatement orders.	Calendar year plus 3 years after all source permits are canceled or expired.	Maintained by Clerk of the District Board
39	BOARD FILES - Agendas, Minutes, Staff Reports, written public comments, Ordinances and records related to formation, change of organization, or reorganization of the district. This includes Hearing Board agenda materials.	Permanent.	Maintained by Clerk of the District Board, Gov. Code §60201
40	COMMUNITY ADVISORY COUNCIL AGENDA ITEMS	Calendar year plus 5 years after Council meeting.	District
41	PERMIT FILES - Includes Title V.	Calendar year plus 3 years after all source permits are canceled or expired and no enforcement action is pending.	District
42	ENFORCEMENT AND COMPLIANCE FILES - Includes Title V.	Calendar year plus 3 years after all source permits are canceled or expired and no enforcement action is pending.	District
43	AIR TOXICS FILES	Calendar year plus 3 years after all source permits are cancelled or expired.	District
44	ASBESTOS FILES	Calendar year plus 1 year after project notification is received.	District
45	COMPLAINT FILES	Calendar year plus 5 years after complaint is received, unless enforcement case is pending.	District
46	COMPLIANCE VERIFICATION REPORTS AND EMISSION SOURCE TEST REPORTS	Calendar year plus 5 years after date of submittal.	District
47	ANNUAL EMISSION INVENTORY REPORTS	Calendar year plus 3 years after all source permits are cancelled or expired.	District

ITEM NO.	TITLE AND DESCRIPTION OF RECORDS	RETENTION POLICY	REMARKS
48	LAND USE FILES	Calendar year plus 5 years after project is approved or denied.	District
49	AIR QUALITY MONITORING FILES	Calendar year plus 5 years.	District
50	RULES - District files related to adoption, amendment and repeal of District rules and regulations.	Permanent.	Maintained by District, Gov. Code §60201(d)(2)
51	GRANT FILES (e.g., Carl Moyer Program)	Calendar year plus 7 years after grant is expired.	District, Carl Moyer 2008 Guidelines
52	GRANT AGREEMENTS	Calendar year plus 5 years after grant expires.	District
53	CLEAN AIR PLAN FILES	Calendar year plus 3 years after a plan is superseded, repealed or otherwise invalid or unenforceable.	District
54	PUBLIC RECORDS ACT REQUESTS	Calendar year if granted, or fiscal year plus two years if request is denied.	District, Gov. Code §60201(d)(5)
55	DOCUMENTS WITHHELD FROM PUBLIC RECORDS ACT REQUEST	Calendar year plus 2 years after District denied the request.	Gov. Code §60201(d)(5)
56	DUPLICATIVE FILES - (as defined in Gov. Code §60200.)	May be destroyed at any time.	Gov. Code §60200