



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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August 1, 2011
Agenda Item No. 7a (Action)

July 25, 2011

TO: Local Agency Formation Commission

FROM: Ad Hoc Committee on Policies and Procedures (Luce, Rodeno, and Simonds)

SUBJECT: Adoption of Policy on Records Retention and Destruction

The Commission will review a draft policy establishing standards with respect to managing, retaining, and, if authorized, destroying agency records. The draft policy is being presented to the Commission for adoption.

Local Agency Formation Commissions (LAFCOs) are responsible for retaining records for activities and actions tied to administering their regulatory and planning responsibilities codified under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”). Most notably, this includes retaining and safeguarding records relating to the formation, expansion, and reorganization of cities and special districts in California. CKH does, however, permit LAFCOs to destroy original and duplicative records subject to certain preconditions outlined under California Government Code (G.C.) Section 56382.

A. Background

LAFCO of Napa County (“Commission”) has historically retained all agency records in their original paper form. Agency records are generally divided into four broad categories: (a) administrative; (b) meeting; (c) regulatory; and (d) planning. The Commission currently retains approximately three-fourths of its agency records in file cabinets located at its administrative office. The Commission’s remaining agency records are located offsite at the County of Napa’s storage facility located at 994 Kaiser Road.

In 2009, following a formal procurement process, the Commission contracted with Incrementum (Los Angeles, California) to design, implement, and maintain an electronic document management system (EDMS) using Laserfiche software. Markedly, EDMS allows the Commission to expeditiously capture, index, search, retrieve, and distribute agency records from a secured network server. Staff is responsible for all digital archiving, and as of date, nearly 70 proposals dating back to 2000 have been entered into the EDMS. As a security measure, staff also performs monthly backup to the EDMS by copying the archived data onto digital discs stored in a fire-resistant safe at the administrative office.

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Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

B. Discussion

The Ad Hoc Committee on Policies and Procedures, consistent with its directive to review and make related recommendations, believes the establishment of the Commission's EDMS highlights the need for specific guidelines in managing agency records. This includes prescribing uniform standards as it relates to retaining and destroying agency records – originals and copies – in a manner consistent with all applicable laws. Most importantly, this includes complying with G.C. Section 56382; a statute authorizing LAFCOs to destroy original records more than two years old if an electronic copy is made in a format that does not permit changes and is accessible for public reference while meeting the quality standards recommended by the Association for Information and Image Management.¹

With the preceding comments in mind, the Committee has prepared a draft policy on records retention and destruction for Commission review and consideration. The draft policy, in particular, requires all documents be digitized into the EDMS and establishes a definition for "LAFCO Records." This latter component, importantly, defines under G.C. Section 56382 the documents the Commission recognizes shall be ultimately retained in original and/or digital form indefinitely. Examples include change of organization or reorganization proposals as well as agency maps and descriptions. Conversely, the definition permits the Commission to eventually destroy other agency documents, such as payroll, personnel, and general correspondence, which are not defined as "LAFCO Records" yet consume a considerable portion of the agency's existing storage resource. Guiding the implementation of the draft policy is an attached "Records Retention Schedule" that prescribes by type of record a plan for its management and life cycle and serves as the legal authorization for their disposition.

C. Analysis

The Ad Hoc Committee believes the draft policy on records retention and destruction will help to ensure accountable and accurate handling of all agency records while reducing storage requirements for inactive and outdated documents. Key assumptions embedded within the draft policy of particular importance to the Commission's review include:

- Digital copies of all agency records, inactive and active, shall be made and entered into the EDMS unless it is inconsistent with the Records Retention Schedule. Examples of the latter include an inactive record that is no longer required, such as an accounting document that is more than five years old.
- All original LAFCO Records will be destroyed within two to seven years while their digital copies will be retained indefinitely. Examples include change of organization proposals and approved meeting minutes.

¹ Laserfiche does not permit additions, deletions, or changes to the original document once archived. Accordingly, the Commission's EDMS is compliant with the recording standards recommended by the Association for Information and Image Management.

- All original non-LAFCO Records will be destroyed within two to five years whereas their digital copies will be deleted from EDMS no later than 10 years.

D. Alternatives for Commission Action

The following two actions are available for Commission consideration with respect to considering the proposed draft policy.

Alternative One: Approve by motion the attached draft policy with or without modifications as specified.

Alternative Two: Continue consideration of the draft policy to a future meeting while providing additional direction to the Committee as needed.

E. Recommendation

The Committee recommends Alternative One as outlined in the preceding section.

F. Procedures for Consideration

The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from the Committee;
- 2) Invite public comment; and
- 3) Discuss item and consider action on recommendation.

Respectfully submitted on behalf of the Committee,

Keene Simonds
Executive Officer

Attachment:

- 1) Draft Policy on Records Retention and Destruction



LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

Policy on Records Retention and Destruction

Adopted: *****

I. Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, pursuant to California (G.C.) Government Code Section 56382, directs the Commission to make arrangements for the retention and safekeeping of records relating to activities and actions tied to administering its regulatory and planning responsibilities. This includes preserving and protecting records for future public reference relating to the formation, expansion, and reorganization of cities and special districts and their municipal services.

II. Purpose

The intent of this policy is to provide guidance to Commission staff regarding the management, retention, and, if authorized, destruction of agency records. Effective implementation of the policy will help to ensure accountable and accurate handling of agency records in a manner that provides for prompt retrieval while reducing storage requirements for inactive and outdated documents.

III. Authorization for the Retention and Destruction of Documents

- A) “Records” must be kept indefinitely in original, photographic, or electronic form pursuant to G.C. Section 56382. The Commission defines “LAFCO Records” in this policy under IV/E.
- B) Documents not herein defined as “LAFCO Records” are not “records” pursuant to G.C. Section 56382 and will be retained and disposed of according to the Records Retention Schedule provided as Attachment “A” to this policy.

IV. Definitions

- A) “Active Records” are documents that are less than two years old and/or currently open or regularly accessed, used, or referenced.
- B) “Administrative Records” include, but are not limited to, accounts payable/receivable, budgets, audits, payroll timesheets, policies, statements of economic interest, public member recruitment proceedings, consultant contracts, vendor agreements, and personnel files.
- C) “Digital Copy” refers to an original document that has been imported or exported for archival purposes into the Commission’s electronic document management system.

- D) “Inactive Records” are documents that are more than two years old and/or closed or no longer regularly accessed, used, or referenced, but still need to be retained for legal or practical purposes.
- E) “LAFCO Records” are defined as records that must be retained indefinitely in compliance with G.C. Section 56382 and include the following documents:
- a. Documents relating to change of organization or reorganization proposals, which include, but are not limited, to:
 - application, petition, or other initiating documents
 - justification of proposal
 - property tax exchange agreement
 - assessor’s statement of property valuation
 - indemnification agreement
 - certificate of filing
 - environmental review/CEQA documents
 - certificate of completion
 - map and boundary description
 - notices
 - order for change of organization/reorganization
 - staff report with recommendation
 - statement of boundary change
 - statement of tax rate area
 - b. LAFCO adopted resolutions
 - c. LAFCO approved meeting minutes
 - d. Documents relating to outside service requests
 - e. Adopted resolutions
 - f. Approved meeting minutes
 - g. Completed sphere of influence establishments and updates
 - h. Completed municipal service reviews
 - i. Commission policies
- F) “Meeting Records” include, but are not limited to, agendas, minutes, staff reports, resolutions, and audio and/or video recordings.
- G) “Planning Records” include, but are not limited to, municipal service reviews, sphere of influence updates, and related correspondence.
- H) “Record” or “Records” are defined to include any paper, electronic media, audio file, or other form of documentation that records or transmits information originated and/or managed by the Commission.

- I) “Records Retention Schedule” prescribes by type a plan for its management and life cycle and serves as the legal authorization for its disposition. A copy of the Records Retention Schedule is affixed to this policy as Attachment “A.”
- J) “Regulatory Records” include, but are not limited to, change of organization or reorganization files, outside service requests, boundary maps and descriptions, and related correspondence.

V. General Guidelines

- A) The Commission’s Executive Officer is responsible for administering this policy to ensure the effective management, retention, and, as appropriate, destruction of records consistent with this policy and the Records Retention Schedule.
- B) The following general guidelines apply to all Commission records.
 - (1) The Commission authorizes the destruction of any duplicative active or inactive record at any time.
 - (2) Digital copies shall be made of all active and inactive records for retention, safeguarding, and public distribution within the Commission’s electronic document management system.
 - (3) Active records shall be retained in their original form for a period of no less than two years. Original documents may be destroyed after two years if a digital copy exists and it is consistent with the Records Retention Schedule.
 - (4) The Commission authorizes purging digital copies for inactive records if it is consistent with the Records Retention Schedule.
 - (5) Digital copies of the following records shall be indefinitely retained:
 - a. LAFCO Records as defined in this policy under IV/E.



LOCAL AGENCY FORMATION COMMISSION NAPA COUNTY

Policy on Records Retention and Destruction

Attachment A Records Retention Schedule

Record Type	Record Description (Non-Exclusive)	Retention: Original Record	Retention: Digital Record
Administrative			
Accounts Payable	invoices for purchase orders, reimbursements, services received	audited + 4 years	none
Accounts Receivable	invoices for applications, miscellaneous fees, services provided	audited + 4 years	none
Administrative Policies & Procedures	adopted guidelines, standards, requirements ¹	current + 4 years	indefinite
Audits	independent analyses of year-end financial statements	5 years	indefinite
Budgets	annual revenue and expense ledgers, adjustments, transfers	5 years	indefinite
Consultant Contracts	information services provided by contracted third parties	completion + 2 years	completion + 5 years
General Correspondence	communication with public and local agencies, including e-mails	2 years	5 years
Oath of Office	commissioners' oaths of office taken at commencement of term	completion + 4 years	indefinite
Payroll	employee timesheets, leave balances, labor distribution reports ²	audited + 2 years	audited + 5 years
Personnel Files	employee applications, performance reviews, leave forms ³	leave + 3 years	leave + 5 years
Public Member Recruitment	notice of vacancy, applications, appointments	current + 2 years	current + 10 years
Public Records Requests	written requests to inspect or copy agency documents	current + 2 years	current + 2 years
Requests for Proposals	written solicitation for consultant services ⁴	current + 2 years	current + 5 years
Statements of Economic Interest	disclosure of income/gifts/benefits for designated employees ⁵	current + 2 years	current + 10 years
Vendor Agreements and Leases	third party equipment/facility services	completion + 2 years	completion + 5 years
Meetings			
Affidavits	affirmations relating to postings and publications	2 years	indefinite
Agendas	calendared meeting items	5 years	indefinite
Agenda Packets	staff reports and related documents for calendared meeting items	5 years	indefinite
Audio/Video Recordings	auditory and visual recordings of regular and special meetings	2 years	2 years
Elections	impartial analyses, conducting authority proceedings	2 years	5 years
Mailing Lists	landowner and/or registered voter rolls tied to public hearings	2 years	5 years
Minutes	summary of discussion/action for regular and special meetings	5 years	indefinite
Resolutions	records of adopted actions	5 years	indefinite
Regulatory Records			
Agency Maps	jurisdictional boundaries, spheres of influence, service areas	5 years	indefinite
Change of Organization Proposals	application, petition, staff report, certificates, etc. ⁶	5 years	indefinite
Change of Reorganization Proposals	application, petition, staff report, certificates, etc. ⁷	5 years	indefinite
Outside Service Requests	application, staff report, environmental document ⁸	5 years	indefinite
Related Correspondence	communication with public and local agencies including e-mails	2 years	5 years
Planning Records			
Municipal Service Reviews ⁹	written report and supporting documentation	7 years	indefinite
Other Studies	written report and supporting documentation	7 years	indefinite
Sphere of Influence Updates ¹⁰	written report and supporting documentation	7 years	indefinite
Related Correspondence	communication with public and local agencies including e-mails	2 years	5 years

Notes

¹ Records relating to administrative policies and procedures shall include documents that have been subsequently amended, superseded, or replaced.

^{2 / 3} : Commission currently contracts with the County of Napa for staff support services. Accordingly, the County's Auditor's Office and Human Resources Department independently retain payroll and personnel records, respectively, pursuant to their own records retention schedules.

⁴ : Records relating to requests for proposals include accepted and unaccepted bids, including proposal statements, bidder forms, data sheets, proof of insurance, and evaluation rankings.

⁵ : Government Code Section 81009 specifies statements of economic interest must be maintained a minimum of seven years; original statements can be digitized after two years.

^{6 / 7 / 8} : Records relating to change of organization proposals, change of reorganization proposals, and outside service requests include information generated or managed by LAFCO.

^{9 / 10} : The contents of municipal service reviews and sphere of influence updates shall include written reports and resolutions making determinations with respect to Government Code Sections 56430 and 56425, respectively.
