

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF SEPTEMBER 27, 2023

REGULAR MEETING

TO: Brian Veerkamp, Chair, and
Members of the El Dorado County Local Agency Formation Commission

FROM: Shiva Frentzen, Executive Officer

AGENDA ITEM #2: Consider and approve the changes to the Records Retention Policies (Section 2.8) of the El Dorado LAFCO Policies and Guidelines

Discussion and Background

The proposed changes to the Records Retention Policies align our policies with the Government Code Section 56382 below and allow the retention of documents in digital format. The current policies require some documents to be kept in paper format indefinitely. By changing the policies, staff can digitize and discard over hundred boxes of paper documents. The County of El Dorado is storing about 80 boxes of documents that belong to El Dorado LAFCO that are prior to 1996 and need to be digitized and discarded.

CHAPTER 3. Powers [56375 - 56386] (Chapter 3 added by Stats. 1985, Ch. 541, Sec. 3.)

56382.

The commission may authorize the destruction of any duplicate record, paper, or other document if the original or a photographic or electronic copy of the record, paper, or other document is retained in the files of the commission, and the commission may authorize the destruction of original records more than two years old if a photographic or electronic copy of the original record is made and preserved, provided that the following conditions are met:

(a) The record is reproduced on a medium that does not permit additions, deletions, or changes to the original document, or reproduced in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management for recording of permanent records or nonpermanent records, whichever applies.

(b) The device used to reproduce the record is one that accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document images.

(c) The reproductions are made as accessible for public reference as the original records were.

(d) A true copy of archival quality of the reproductions shall be kept in a safe and separate place for security purposes.

(Amended by Stats. 1995, Ch. 562, Sec. 1. Effective January 1, 1996.)

Attachments:

Attachment A: El Dorado LAFCO Policies and Guidelines Section 2.8 – Records Retention

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2.8 RECORDS RETENTION (Approved September 26, 2007; Last Amended September 27, 2023)

Pursuant to Government Code section 56382, the Commission authorizes the destruction of any duplicate record, paper or other document listed below, if the original or a photographic or electronic copy of the record, paper or other document is retained. The Commission also authorizes the destruction of original records listed below that are more than two years old, so long as a photographic or electronic copy of the original record is made and preserved and the conditions of Gov. Code section 56382(a)-(d) are met.

Legal authority citations are listed in parenthesis at the end of each section where applicable and use the following abbreviations:

LEGAL AUTHORITY ABBREVIATIONS

CCP	Code of Civil Procedure (CA)	IRC	Internal Revenue Code
CFR	Code of Federal Regulations	LC	Labor Code (CA)
GC	Government Code (CA)	USC	United States Code

2.8.1 Administrative

2.8.1.1 Accounts Payable

- *Until audited + five (5) years (GC 34090; CCP 337)* – Journals, statements, asset inventories, account postings with supporting documents, vouchers.
- *Four (4) years [GC 34090; 26 CFR 31.6001-1(e)(2)]* – Invoices, checks, reports, investments, purchase orders.

2.8.1.2 Accounts Receivable

- *Five (5) years [26 CFR 31.6001-1(e)(2)]* – Invoices, checks, reports, investments, receipt books.
- *Until audited + four (4) years* – Checks, coins, currency
- *Invoices – Until audited + two (2) years (GC 34090)*

2.8.1.3 Budget – *Until audited + eight (8) years (GC 34090)*
Adjustments, journal entries, account transfers

2.8.1.4 Statements of Economic Interest – Form 700 (originals)– *Seven (7) years (can be imaged after two) [GC 81009(e)(9)]*
Originals of statements of designated persons, elected officials and employees

2.8.1.5 Financial

- *Annual Financial Reports – Until audited + four (4) years (GC 34090)*
Independent auditor analysis
- *Audit Reports – Permanent (GC 34090)*
Financial services; internal and/or external reports
- *Bank Account Reconciliation – four (4) years [26 CFR 31.6001-1(e)(2)]*
Bank statements, canceled checks, certificates of deposit
- *Checks – Until audited + two (2) years (GC 34090)*
Includes canceled and voided checks and stop payments
- *Deferred Compensation –three (3) years (26 CFR 516.5; 29*

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CFR 1627.3)

Pension/retirement funds

- Fixed Assets, Inventory – *Until audited + two (2) years (GC 34090)*
Reflects purchase date and cost
- Fixed Assets, Surplus Property – *Until audited + four (4) years (GC 34090; CCP 337)*
Auction, disposal, listing of property
- Fund Transfers – *Until audited + two (2) years (GC 34090)*
Internal; bank transfers & wires
- General Ledgers – *Permanent (GC 34090; CCP 337)*
All annual financial summaries
- Grants – *Until completed + four (4) years (GC 34090; 24 CFR 570.502; 24 CFR 85.42)*
Grants documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub-recipient docket, environmental review, grant documents, inventory, consolidated plan, etc.
- Unemployment Insurance Records – *Four (4) years (IRC 3301-3311)*
- Vouchers/Payments *Until audited + four (4) years (GC 34090; CCP 337)*
Account postings with supporting documents

2.8.1.6 Forms – *Until superseded*

2.8.1.7 Code of Ethics – *Current + six (6) years (GC 34090)*
Elected and public officials (Commissioners)

2.8.1.8 Payroll

- Federal/State Reports – *Ten (10) years (GC 60201)*
Annual W-2's, W-4's, Form 1099s, etc.; quarterly and year-end reports
- Deductions/Authorizations – *While current + ten (10) years [GC 60201; 29 CFR 516.6(c)]*
- Registers – *Seven (7) years [GC 60201; 29 CFR 516.6(a)]*
- Records, Terminated Employees – *Ten (10) years from date of last entry (GC 60201; 29 CFR 516.5)*
- Timecards – *Ten (10) years (GC 60201)*
- Wage Rates/Job Classifications – *While current + seven (7) years (GC 60201)*

2.8.1.9 Office/Administrative Procedure Manuals – *Current + two (2) years (GC 34090)*

2.8.1.10 Public Records Request – *Two (2) years (GC 34090)*
Requests from the public to inspect or copy public documents

2.8.1.11 Reports

- Insurance, Risk Management Reports – *Five (5) years (Federal), two (2) years (State) (GC 34090; 29 CFR 1904.4)*

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Federal OSHA forms; loss analysis report; safety reports;
actuarial studies

- Demographic/Statistical Data – *Current + two (2) years (GC 34090)*

2.8.2 **Agency Files & Sphere of Influence** – *Permanent (GC 34090)*

2.8.3 **Conducting Authority Proceedings** – *Permanent (GC 34090)*

2.8.4 **Contracts/Agreements**

2.8.4.1 *Four (4) years after termination/completion (CCP 337)* – Original contracts and agreements and back-up materials, including leases.

2.8.4.2 Insurance, Joint Powers Agreement – *Current + two (2) years (GC 34090)*
Accreditation, MOU, agreements and agendas

2.8.4.3 Insurance, Liability/Property – *Current + two (2) years (GC 34090)*
May include liability, property, Certificates of Participation, deferred, use of facilities

2.8.5 **Correspondence**

2.8.5.1 Electronic Correspondence – *30 days*
E-mail not otherwise related to projects

2.8.5.2 Regular Correspondence

- Citizen Feedback – *Two (2) years (GC 34090)*
- Complaints/Requests – *Two (2) years (GC 34090)*
Various files not related to specific lawsuits involving the agency and not otherwise specifically covered by the retention schedule.
- General correspondence – *Two (2) years (GC 34090)*
Including various letters, not otherwise specifically covered by the retention schedule

2.8.5.3 Legislation

- Political Support/Opposition, Requests & Responses – *Two (2) years (GC 34090)*

2.8.6 **Legal**

2.8.6.1 Litigation

- Claims against the Agency – *Permanent (~~May be imaged after three (3) years~~) (GC 34090)*
- Case Files – *Permanent (GC 34090)*

2.8.6.2 Legal Opinions – *Permanent (GC 34090)*

Confidential - not for public disclosure (attorney-client privilege)

2.8.7 **Maintenance Files**

2.8.7.1 Maintenance Manuals – *Current only (GC 34090)*
Equipment service/maintenance

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2.8.7.2 Maintenance/Repair Records – *Two (2) years (GC 34090)*
Equipment

2.8.8 **Meeting Records**

2.8.8.1 Affidavits of Publication/Posting/Notices (all meetings) – *Two (2) years (GC 34090)*

Legal notices for public hearings not otherwise related to projects, publication of ordinances, etc.

2.8.8.2 Agenda/Agenda Packets

- *Permanent (GC 34090.5)* – Agendas, agenda packets, staff reports and related attachments, supplemental items and documentation submitted by staff/public in relation to agenda items. ~~Originals may be imaged for permanent records retention after two (2) years; the imaged record may serve as the permanent record.~~

- Review of Claims – *Until audited + two (2) years (GC 34090)*
Record of payments issued; approved by the Commission (copy is normally retained as part of agenda packet information).

2.8.8.3 Meeting Minutes

- ~~Hard copy Meeting Minutes~~ – *Permanent (GC 34090)*
~~May be imaged for permanent records retention after two (2) years.~~

- Audio recordings – *May be destroyed two (2) years after Commission adoption of Minutes unless requested by a member of the public or Commission to retain for a longer period of time. A copy of the recording may also be sent electronically to any member of the public who requests it provided said recording is still available.*

2.8.9 **Personnel**

2.8.9.1 Accident/Illness/OSHA – *Duration of employment + 30 years [8 CCR 14307; 8 CCR 3204; 8 CCR 5254 (c)]*

Not a public record; employee medical records & employee exposure records, including Material Safety Data Sheets (MSDS).

2.8.9.2 Employee File – *While current + seven (7) years [8 USC 1324(a)b3; GC 12946; GC 6254(c) 29 CFR 16273; LC 1174]*

Not a public record. Includes general information (name, address, date of birth, occupation, etc., including records relating to evaluations, promotion, demotion, transfer, disciplinary actions, lay-off, termination); payroll records, Employment Eligibility Verification (I-9 Forms), all family and medical leaves, (records of leave taken, agency policies relating to leave, notices, communications relating to taking leave), Workers Compensation (work-injury claims [including denied claims]; claim files, reports, etc. and work-injury claims [including denied claims]; claim files, reports, etc.), Employee Benefits – CALPERS.

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- 2.8.9.3 Employee – *Length of employment + three (3) years (GC 34090; GC 12946; 29 CFR 1627.3)*
May include release authorizations, certifications, all training records, outside employment, commendations, pre-employee medicals, identification cards, medical health benefits
- 2.8.9.4 Employee Programs – *Current + two (2) years (GC 34090; GC 12946)*
Includes EAP and Recognition
- 2.8.9.5 Employee Recruitment – *Current + two (2) years (GC 34090; 12946; 29 CFR 1602 et seq.; 29 CFR 1627.3)*
Alternate lists/logs, examination materials, examination answer sheets, job bulletins.
- 2.8.9.6 Employee Rights – *Length of employment + two (2) years (GC 12946; 29 CFR 1602.31)*
- 2.8.9.7 Employment Applications – Not hired – *Two (2) years (GC 34090; GC 12946; 29 CFR 1627.3)*
Applications submitted for existing or anticipated job openings, including any records pertaining to failure or refusal to hire applicant.
- 2.8.9.8 Recruitments and Selection – *Three (3) years (29 CFR 1627.3)*
Records relating to hiring, promotion, selection for training
- 2.8.9.9 Vehicle Mileage Reimbursement Rates – *Until superseded (GC 34090)*
- 2.8.10 **Policies**
 - 2.8.10.1 Personnel Rules and Regulations – *Current + two (2) years GC 34090)*
Employee handbook
 - 2.8.10.2 Policies and Procedures – *Current + two (2) years (GC 60201)*
All policies and procedures adopted by the Commission; directives rendered by the agency not assigned a resolution number; Commission Bylaws
- 2.8.11 **Project Files**
 - 2.8.11.1 Annexations and Reorganizations – *Permanent (GC 34090; GC 60201)*
Notices, Resolutions, Certificates of Completion; ~~documents may be imaged, but the originals can never be destroyed.~~
 - 2.8.11.2 Articles of Incorporation – *Permanent (GC 34090; GC 60201)*
 - 2.8.11.3 Environmental Quality; California Environmental Quality Act (CEQA) – *Permanent (GC 34090; GC 60201)*
For all project-related environmental reviews: Exemptions, Environmental Impact Reports, mitigation monitoring, Negative

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Declarations, Notices of Completion and Determination,
comments, Statements of Overriding Considerations

2.8.11.4 Environmental Quality Review – *Completion + two (2) years*
(GC 34090)

Correspondence, consultants, issues, conservation

2.8.11.5 Requests for Qualifications (RFQs) and Request for Proposals
(RFPs) – *Current + two (2) years* (GC 34090)

2.8.11.6 Resolutions – *Permanent* (GC 34090; GC 60201)

2.8.12 **Subject Files** – *Permanent* (GC 34090; GC 60201)

2.8.13 **Approved LAFCO Resolutions** – *Permanent* (GC 34090; GC 60201)
Not otherwise related to projects