



LAFCO - San Luis Obispo - Local Agency Formation Commission
SLO LAFCO - Serving the Area of San Luis Obispo County

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TO: MEMBERS, FORMATION COMMISSION

FROM: MIKE PRATER, EXECUTIVE OFFICER

DATE: SEPTEMBER 17, 2020

SUBJECT: ADOPTION OF RECORD RETENTION AND DESTRUCTION POLICY

RECOMMENDATION. It is respectfully recommended that the Commission review the attached policy regarding Records Retention and Destruction. The Commission may 1) Give staff feedback and direct staff to take any appropriate follow up actions or 2) Approve by motion the attached draft policy with or without modifications as specified.

DISCUSSION. On January 16, the San Luis Obispo Local Agency Formation Commission (SLO LAFCO) presented the 2020 Work Plan and Draft Hearing Schedule. At that time, March 19, 2020, was scheduled to hold a meeting regarding a Records Retention Policy. Our March 19, 2020, meeting was canceled as a precautionary step due to the COVID-19 pandemic. Staffing efforts were adjusted to address more essential LAFCO matters in the meantime, however today the Records Retention and Destruction Policy is ready for your Commissions consideration.

Attachment A:
Policy on Records Retention and Destruction

Attachment B:
Records Retention Schedule

Local Agency Formation Commissions 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 LAFCO's to destroy original and duplicative records subject to certain preconditions outlined under California Government Code (G.C.) Section 56382.

SLO LAFCO has historically retained all agency records in their original paper form. Staff currently retains approximately the last five years of its agency records in file cabinets located at its administrative office. The remaining agency records are located offsite at The DocuTeam storage facility located at 140 Hind Lane in the City of San Luis Obispo. Approximately, 135 banker boxes are stored and retrieved when requested by an agency or member of the public and then refiled. Periodically, the files in the office are transferred to DocuTeam and barcoded to make room for future files.

The establishment of a Records Retention and Destruction Policy that prescribes uniform standards as it relates to retaining and destroying agency records – originals and copies –

in a manner consistent with all applicable laws would help manage existing and future records. 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.

Staff 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 (photographic or electronic copy of the original record is first made) 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.

Attachment A

Policy on Records Retention and Destruction

Administrative Policies

3.5 DOCUMENT RETENTION AND DESTRUCTION POLICY

A. Document Retention

Except as otherwise provided herein, and subject to the conditions contained in this policy, all original records and documents maintained by LAFCO will be retained for a period of five (5) years. A true copy of all documents shall be kept in a safe and separate place for security purposes.

As used in this policy, the term "record" (or "record of proceedings") is defined to mean documents that show decisions or actions taken by the Commission in fulfillment of its statutory responsibilities. Records maintained by the Commission include the following: Records of proceedings (LAFCO application, petition or other initiating documents; statement of property valuation; statement of tax rate area assignment; indemnification and agreements to pay; Certificates of Filing and Completion; copies of public hearing notice; environmental review documents prepared for purposes of complying with the California Environmental Quality Act ("CEQA"); plan for service; map and legal description; staff reports; impartial analysis; order for change of organization/ reorganization; documentation of election and results; Statement of Boundary Change; State Board of Equalization acknowledgement letter, LAFCO meeting minutes, Municipal Service Reviews) ; and Administrative/Financial documents (budgets, accounts payable, accounts receivable, audits, invoices, ledgers, registers, reimbursements, Commissioner policies and procedures, agreements, contracts, leases, purchase orders, requisitions, recruitment/selection/resumes, claims).

B. Limited Exceptions to Five Year Retention Period

Original statements of economic interest (Form 700) will be retained by the Commission for a period of seven (7) years. Environmental review documents that are prepared by a lead agency other than LAFCO (i.e., Environmental Impact Reports and other CEQA documents that are approved or adopted by LAFCO but are not prepared by LAFCO as the lead agency for the project), will be retained by the Commission for a period of two (2) years. Environmental review and CEQA documents prepared by LAFCO as the lead agency for the environmental review of the project will be retained for a period of (5) five years.

C. Destruction Authorized Following Required Retention Period

At the conclusion of the applicable required retention period, the Executive Officer is authorized to destroy records as needed, provided that a photographic or electronic copy of the original record is first made and preserved in the manner

specified in Government Code section 56382. The reproductions must be made as accessible for public reference as the original records were.

D. Social Media Records Retention Period

Social media site content is not (1) “kept”, (2) required to be kept by law, and (3) is not necessary to be kept in discharge of a public official’s duties or made/retained for the purposes of preserving content for future reference. If SLOLAFCO as a public agency is using social media for public input (for example, to solicit public input on LAFCO issues) SLOLAFCO will capture the input provided for the administrative record.

Attachment B

Records Retention Schedule



LOCAL AGENCY FORMATION COMMISSION SAN LUIS OBISPO COUNTY
Policy on Records Retention and Destruction | Attachment B - Records Retention Schedule

Record Type	Record Description (Non-Exclusive)	Retention: Original Record
Administrative		
Accounts Payable	invoices for purchase orders, reimbursements, services received ²	audited + 5 years
Accounts Receivable	invoices for applications, miscellaneous fees, services provided ³	audited + 5 years
Administrative Policies & Procedures	adopted guidelines, standards, requirements ¹	current + 5 years
Audits	independent analyses of year-end financial statements	5 years
Budgets	annual revenue and expense ledgers, adjustments, transfers	5 years
Consultant Contracts	information services provided by contracted third parties; 1099 etc.	completion + 5 years
General Correspondence	communication with public and local agencies, inc. e-mails	5 years
Oath of Office	commissioners' oaths of office taken at commencement of term	completion + 5 years
Payroll	employee timesheets, leave balances, labor distribution reports	audited + 5 years
Personnel Files	employee applications, performance reviews, leave forms	leave + 5 years
Public Member Recruitment	notice of vacancy, applications, appointments	current + 5 years
Public Records Requests	written requests to inspect or copy agency documents	current + 5 years
Requests for Proposals	written solicitation for consultant services ⁴	current + 5 years
Staff Position Recruitment	recruitment, applications, selection, resumes	5 years
Statements of Economic Interest	disclosure of income/gifts/benefits for designated employees ⁵	current + 7 years
Vendor Agreements and Leases	third party equipment/facility services	completion + 5 years
Social Media Content	Only kept as an administrative record, if used for public input	none
Meetings		
Affidavits	affirmations relating to postings and publications	5 years
Agendas	calendared meeting items	5 years
Agenda Packets	staff reports and related documents for calendared meeting items	5 years
Audio/Video Recordings	auditory and visual recordings of regular and special meetings	5 years
Elections	impartial analyses, conducting authority proceedings	5 years
Mailing Lists	landowner and/or registered voter rolls tied to public hearings	5 years
Minutes	summary of discussion/action for regular and special meetings	5 years
Resolutions	records of adopted actions	5 years
Regulatory Records		
Agency Maps	jurisdictional boundaries, spheres of influence, service areas	5 years
Change of Organization Proposals	application, petition, staff report, certificates, etc. ⁶	5 years
Change of Reorganization Proposals	application, petition, staff report, certificates, etc. ⁷	5 years
Outside Service Requests	application, staff report, environmental document ⁸	5 years
Related Correspondence	communication with public and local agencies inc. e-mails	5 years
Planning Records		
Municipal Service Reviews ⁹	written report and supporting documentation	7 years
Other Studies	written report and supporting documentation	7 years
Sphere of Influence Updates ¹⁰	written report and supporting documentation	7 years
Related Correspondence	communication with public and local agencies inc. e-mails	5 years
Environmental review documents	approved or adopted by LAFCO	5 years - (2 years not prepared by LAFCO)

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 San Luis Obispo for claims processing, and financial services. Accordingly, the County's Auditor's Office Department independently retains these 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.