

RICHARDSON BAY REGIONAL AGENCY
Records Management
Disclosure & Retention Policy



December 2023

PURPOSE

This policy aims to set forth uniform guidelines for the retention or disposal of records within the Richardson Bay Regional Agency (RBRA). It also seeks to address the identification, maintenance, safeguarding, and appropriate destruction of records as part of routine business procedures. The policy further emphasizes the importance of ensuring the timely and accurate retrieval of records while maintaining compliance with relevant legal and regulatory obligations.

The Richardson Bay Regional Agency adopts the following policy for the disclosure, retention and destruction of RBRA records.

1. PUBLIC RECORD ACCESS

1.1 Policy and Definitions

Policy: It is the policy of the RBRA to open public records for inspection during normal business hours, and to fully comply with the California Public Records Act (CPRA). The CPRA was created to ensure the right of every individual in this State to access information pertaining to the proceedings of public affairs, a fundamental and essential entitlement.

The laws that form the CPRA are found in California Government Code section (beginning at) 7920.005, and state in part:

A “record” is any writing containing information relating to the conduct of the public’s business that is prepared, owned, used, or retained regardless of physical form or characteristics.

1.2 Records Exempt from Disclosure

In order for a public record to be exempt from public disclosure, the RBRA is required to demonstrate the applicability of a specific exemption or establish that the public interest in non-disclosure outweighs the public interest in disclosure.

Below is a partial list of common records exempt from disclosure that shall not necessarily be disclosed. These include, but are not limited to:

- Preliminary drafts, notes or interagency or intra-RBRA memoranda which are not retained by the RBRA in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
- Records pertaining to pending litigation to which the RBRA is a party, or to claims made under the California Government Claims Act until such litigation or claim has been finally adjudicated or otherwise settled;
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

1.3 Procedures for Access to Public Records

The Clerk of the Board shall determine whether the requested record is accessible to the public (or exempt from disclosure). If a request pertains to an employee's personnel file or personal information, or if the

Clerk of the Board is uncertain about whether the record is exempt from disclosure under the Act, they are required to seek guidance from the legal counsel representing the Agency.

The examination of public records shall take place solely within the Agency offices and in a manner approved by the RBRA to safeguard the records, with no authorization for the removal of any document from the Agency Offices. A representative of the RBRA may be present during the inspection of any records.

The RBRA must assist the requestor in order to adequately describe the records sought so that identification, location and retrieval can be accomplished. If a member of the public is unsure about the specific record they want, RBRA staff should assist them in identifying the records responsive to the request to the best of their ability, and provide information regarding what media the record is available and in what form (e.g., paper and electronic). If, for any reason, staff cannot supply the requested record, the law mandates them to present alternative solutions to address any practical basis for denying the request.

The RBRA must notify the requester in writing within 10 calendar days of the request, advising whether or not the agency has the records sought and whether they are available for disclosure., The time for notice may be extended up to an additional 14 days only in unusual circumstances outlined in law – for example, where the RBRA needs to search for and collect the requested records from field facilities or other offices, where the RBRA needs to search for, collect, and examine voluminous records, or where the RBRA needs to consult another agency or to compile data

1.4 Electronic Records

The CPRA applies to electronic and paper (or “hard copy”) records. If a requested record is located on the RBRA’s website, the requestor may be directed to the location on the RBRA’s website in response to a request. However, if the requestor is unable to access or reproduce the record from the website, the RBRA shall promptly provide a copy of the public record.

If an electronic record is disclosable:

- The RBRA will make the information available in any electronic format in which it holds the information.
- The RBRA will provide a copy of the electronic record in the format requested if the requested format is one that has been used by the RBRA to create copies for its own use or for provision to other agencies. The charge to the requesting person shall be limited to the direct cost of producing a copy in an electronic format.

Data Compilations, Extractions or Programming: The RBRA will charge the requesting party the cost of of programming and computer services necessary to produce a copy of the record, when either of the following applies.

The RBRA would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

The RBRA need not release an electronic record in the electronic form in which it is held by the RBRA if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software on which it is maintained.

1.5 Agendas of Public Meetings and Other Writings

Agendas of public meetings and other writings, with the exception of closed session materials, when distributed to all, or a majority of all, of the members of the Board of Trustees by a member, officer, employee, or agent of such body, are public records under the Act as soon as distributed to a majority of members of the Board of Trustees, and shall be made available for public inspection.

1.6 Personnel Files and Access to Employee's Personal Information

Subpoenas or other requests with legal compulsion shall be directed to the Clerk of the Board and subsequently referred to RBRA legal counsel as necessary. The employee will be informed that the RBRA is obligated to furnish the requested items.

1.7 Reproduction Costs for Public Records

Public records that can be reasonably reproduced shall be copied for the public at a charge not to exceed the actual cost of providing the copy. Government Code section 6253 permits the RBRA to require the payment of fees covering the "direct costs of duplication, or a statutory fee, if applicable."

The RBRA's schedule of charges shall be as follows:

Type of Copy	Charge
Photocopy 8-1/2" x 11" or 8-1/2" x 14"	\$0.25 per page
Photocopy (electronic duplications/large format drawing) larger than 8-1/2" x 14"	\$1.20 per sheet

There is no fee associated with inspecting records, and likewise, no charge is applied for providing records in electronic format if they already exist in that format.

If the request necessitates making copies for which the Agency does not have reproduction equipment, or if the volume of copying required would, in the opinion of the RBRA, impose too great a burden on Agency personnel and/or equipment, the RBRA may elect to have the copying done by a third-party provider, on- or off-site, and the requester shall pay the actual cost to the Agency of such third-party copying service.

2. RECORDS RETENTION AND DESTRUCTION

Materials such as documents, writings, records, and other information generated or obtained by employees in the course of their duties shall be the sole property of the Agency, and employees should not anticipate privacy rights concerning such materials.

2.1 Adoption and Goals of Records Retention Schedule

The Agency adopts the attached Record Retention Schedule pursuant to Government Code section 60201, subdivision (b)(2). The goals of the Agency in adopting this Schedule are to:

- Ensure valuable records are retained
- Optimize records volume / reduce space requirements
- Improve storage and retrieval systems
- Improve employee productivity
- Protect the organization, personnel, and the public
- Identify and protect vital records
- Comply with legal requirements

2.2 Retention and Destruction of Documents

All original (official) records identified in the Records Retention Schedule shall be retained in the RBRA offices for the number of years indicated in the column designated "Retention Period Years."

Approval must be secured before the disposal of any original (official) record, even if it meets the criteria for destruction outlined in the records retention schedule. The authorization process involves documenting the records earmarked for destruction on a Records Disposition Form. Subsequently, this form needs to be filled out and sanctioned by the Clerk of the Board. Importantly, this approval must be obtained BEFORE the records are subjected to destruction. Upon approval, records containing private information shall be shredded, and the destruction must be verified through a signed acknowledgment. The accomplished form is then submitted to the Clerk of the Board for retention.

Typically, the person who generates a document will be responsible for maintaining its record. In cases where uncertainty arises about the appropriate disposal or retention of a specific document or set of documents, the individual holding the documents is tasked with collaborating with the Clerk of the Board. Together, they will ascertain the accurate description and retention duration for the records, consulting both this policy and the attached schedules for guidance.

2.3 Other Terms

As used in this policy, the following terms are defined as follows:

- Citation: the legal basis for a retention period.
- Duplicate Record: a record that is a copy of an original record.
- Non-record: Records from other agencies, magazines, books, and pamphlets printed by outside agencies.
- Retention Period: the length of time that a particular record series shall be retained by the RBRA before it is destroyed in accordance with RBRA policies and procedures (after authorization has been obtained).
- Retention Schedule: the policy that defines how long records must be retained. Each Individual is the "Office of Record" for those records under their name, and is responsible for maintaining the original, or official record for the length of time listed in the schedule. Each department also may be responsible for records listed in the Agency-wide Schedule, the individual who originated or received the document shall be responsible for maintaining the record, unless otherwise noted in this document.
- Transitory Writing (Preliminary Drafts): any writings that are preliminary drafts, notes, interagency or intra-agency memoranda that are not retained in the ordinary course of business. Generally, information contained on a transitory record has transitory value as the information is only used for

a short period of time, or as reference material.

- Vital Record: a record that is needed to continue or resume basic agency operations in the event of a disaster.

Record #	Record Series	Examples	Vital	Retention Period (Years)	Citations Considered	Comments
JPA-01	Agency Logo	The image identifying the Agency.	x	Permanent		Historical
JPA-02	Correspondence	General correspondence not related to an agreement or project file, or Agency business that is necessary and convenient to the discharge of Agency's duties; may include letters, text messages, posts/comments on Agency-owned social media accounts.		2 years	GC60201; GC 34090	
JPA-03	Goals & Objectives	Includes goal setting sessions with Board, strategic planning, documents, and department goals.		While current + 2 years	GC34090	
JPA-04	Grants (successful) - Federal and State, FEMA Claims, OES Claims Community Development Block Grant (CDBG); Urban Development; other Federal and State grants	Includes application, award and reimbursement, grant documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub-recipient dockets, environmental review, inventory, consolidated plan, etc.		Completion + 4	GC34090 24 CFR 570.502 24 CFR 85.42	<u>*Note: If a grant requires longer retention, its specific requirement will take precedence</u>
JPA-05	Grants (unsuccessful)	Applications not entitled.		2 years	GC34090	

JPA-11	Policies & Procedures (Administrative/non-technical)	All policies and procedures, directives rendered by Board not assigned a resolution or ordinance number; includes rules and regulations, management policies, standard operating procedures, manuals written by the Agency and supporting documentation.	x	Superseded + 2	GC34090	SOPs are not vital
JPA-12	Regulatory Correspondence	Correspondence related to regulatory requirements such as CalWARN, CSRMA, FEMA, WDR, County of Marin, RWQCB, SWQCB, BAAQMD, and U.S. Fish and Wildlife Dept.		Completion + 2	GC34090	
JPA-13	Training Materials	Materials related to conducting employee training, such as course syllabus, agendas, presentation documents, and workbooks.		Length of Employment + 2 years	GC34090 GC12496	
JPA-14	Agenda packets for Brown Act bodies	Agendas, board memo communications and attachments, supplemental information, and any other documents published with the meeting packet or provided at the meeting. Includes meetings of the Board of Trustees.		Permanent	GC60201	
JPA-15	Notices to Vessels on Achorage	Final documents related to the sale, purchase, or exchange of property including deeds and leases.		Permanent	GC60201(a); GC60201(d)(8)	
JPA-16	Reimbursement requests to State			Completion + 7 years	C60201; 2 CFR 33	

JPA-17	Impound procedures, other policies and procedures	Policy and procedures		Current + 2 years	GC34090	
JPA-18	Enforcement records, including citations			While current + 5 years	GC34090	
JPA-19	Bids and proposals (successful)	Awarded bids; RFQs, Request for Information, RFPs for goods and services		Project Completion + 10	GC60201; CCP337; CCP337.15; CCP343	
JPA-20	Bids and proposals (unsuccessful)	Submitted, but not awarded Requests for Qualifications; Requests for Information; and Requests for Proposals regarding goods and services		Project Award + 2	GC60201; CCP337.15; CCP343	
JPA-21	Agency Conflict of Interest Code	Adopted Conflict of Interest Code		Superseded + 5	FPPC Opinions	
JPA-22	Fair Political Practices Commission (FPPC) Filings	Statement of Economic Interests (Form 700); Gifts, Tickets, Behest Payments (Form 800 series).		Filing Date + 7 (elected officials) Filing date + 5 (unelected officials)	GC81009(E); GC81009(G)	
JPA-23	Minutes (Brown Act Bodies)	Minutes from any meeting of the Agency, subject to the requirements of the Brown Act	x	Permanent	GC60201(d)(3)	

JPA-24	Adopted Ordinances	Includes the codified Agency Municipal Code Last amended 9/28/22 by Board Approved Ordinances (publication was complete)	x		GC60201(d)(2)	
JPA-25	Permits	EPA permits and other permits		Current + 2	GC53753(e)(2)	
JPA-26	Public Record Requests	Documentation related to requests submitted under the Public Records Act, including correspondence, invoices and responsive records.		Completion + 2	GC60201	
JPA-27	Records Disposition Certification	Completed certificates for records disposition.		Permanent	GC60201	
JPA-28	Record Retention Schedule & Policy	Documents the policy of the Agency for compliance with the Public Records Act, identification of record types and retention period for such records.		Superseded + 4	CCP343 GC60201	
JPA-29	Resolutions	Resolutions adopted by the Board	x	Permanent	GC60201	
JPA-30	Directors Oaths of Office	Oaths for Board members		Current + 6	GC60201 23 USC 1113	

JPA-31	Outreach Archives	Documentation of media exposure including newspaper articles, radio interviews, TV appearances, etc.; a list of awards received by the Agency or individual staff from outside entities; current newsletters		Current + 2	GC60201	
JPA-24	Enabling Act	The Enabling Act is the Joint Powers Authority Agreement and its Amendments	x	Permanent	GC60201(1)	
ENG-1	As-Built drawings (Agency Owned Assets)	Capital Improvement Plans, Annexation maps, CAD Maps and GIS layers.		Some on website Permanent	GC60201(d)(8)	
ENG-2	California Environment Quality Act (CEQA) Records	Environmental documents, board memos, Exemptions, Environmental impact report, mitigation monitoring, negative declaration, notices of completion and determination, comments, and statements of overriding considerations.		Permanent	GC60201; 14 CCR Section 15095(c)	
ENG-3	Capital Improvement Project Bids & Proposals (unsuccessful)	Proposals for design and bids for construction of Agency owned capital improvement projects.		Project Award + 2	GC60201(b)	
ENG-4	Capital Improvements RBRA Projects (Agency owned) – SUPPORTING DOCUMENTS (not Historical Documents)	Supporting docs including bidders list, work orders schedules, permits, correspondence, security bonds, inspection reports, photos, design plans and other related documents in the project file.		Project Completion + 10	CCP337.15 GC60201(b)	

ENG-5	Agency Projects, Not Completed, Denied or Abandoned	Studies for special projects (e.g., mooring project)		20 years after abandoned	GC34090(d)	
ENG-6	Environmental Review CEQA / NEPA; Correspondence submitted to, or transferred from the agency, and all internal communications, including staff notes related to a non-exempt CEQA action	E-mails, Correspondence, and staff notes that provide insight into the project or the agency's CEQA compliance with respect to the project		Completion of CEQA process + 10 years	Golden Door Properties, LLC v. Superior Court of San Diego County (2020) 53 Cal. App. 5th 733; PRC 21167,6; GC Section 34090	
ENG-7	Incomplete Project Plans (Non-Agency Owned)	Documents related to unapproved, incomplete, or approved and non-constructed projects (e.g., abandoned mooring field)		10 years after abandoned	GC60201	
ENG-8	Special Programs	Special programs Correspondence, homeowner receipts, acceptance letters, e.g., (Vessel Buy Back Program, Safe and Seaworthy)		Permanent	GC60201	
ENG-9	Agency-issued Permits	Permits; 30-day anchoring permits		Permanent	GC60201	

ENV-1	Regulatory Reporting and Supporting Documentation	Manifests, EPA ID annual renewal, and State Board of Equalization (OR OTHER AGENCY) reporting documents.		10 years	40CFR122.41, 122.21, 122.44, GC60201	
FIN-1	Budget Work Papers	Schedules and supporting documentation for budget		Current + 3	GC60201	
FIN-2	Agreements (Non-Construction)	Signed agreements, amendments and extension	x	Completion + 5 or Completion + end of insurance requirements per contract, whichever is greater		
FIN-3	State Controller Form of Governmental Compensation in California	Form		7 years	GC60201; GC12946;	
FIN-4	State Financial Transaction Report – filed with State Controllers Office	Form		Permanent	GC 34090 CCP 337 Sec. of State Local Gov't. Records Retention Guidelines	
Safety-1	Waivers of Liability	Waivers signed by participants of any Agency sponsored activity, <u>included in program agreement records</u>		Current + 4	GC60201; CCP 337	

Safety-2	Claims (Excluding Workers Comp)	Overflow, third party personal/real property damage or injury, a claim to the Agency's property/Incident Report, paid & denied claims related to contracts or agreements, including supporting documentation.		Completion + 5	GC60201 CCP337	
Safety-3	Driving Records	DMV driving record report documenting current status. NOTE: these records are exempt from disclosure as personnel records		Superseded	GC60201	
Safety-4	Insurance	Agency Certificates, Liability Policies including; Pool, Pollution, Workers Compensation etc., Vendor Certificates.	x	Permanent	GC60201	
<p>All records below are in the CoM (County of Marin) series and are managed by the County of Marin. It is recommended that the Records Custodian reference both the County's retention schedule and the Agency's schedule, and apply the retention period with the longest duration, in cases where the retention periods are not aligned.</p>						
CoM-1	Banking	Bank statements, reconciliations, cancelled/voided checks, check register		Current + 5	GC60201; 26CFR31.6001-1	
CoM-2	Budget Document	Final bound document		Permanent	GC60201	

CoM-3	Employee Time & Leave Reporting	Federal Forms 1099, 1096, W-4, and W-2's, 941 and Schedule B; State Form DE 9C. 1094, 1095		Current + 7 years	GC60201	
CoM-4	Financial Audit	Bound audit report	x	Permanent	GC60201	
CoM-5	Fixed Assets	Includes asset lists, depreciation schedule, asset work papers, and disposition paperwork.		Audit + 4 years	GC60201	
CoM-6	Investments	Investment statements, reports, reconciliations		Current + 7 years	GC60201; GC53646	
CoM-7	Journal Entries	Month-end closing entries, corrections, electronic transaction Entries		Current + 7 years	GC60201	
CoM-8	Miscellaneous Revenue	Invoices, and any source documentation		Current + 10 years	GC34090	
CoM-9	Other Post-Employment Benefits (OPEB)	Includes annual reports, actuarial reports, and record of deductions		Current + 7 years	GC60201	
CoM-10	Payroll	Check, direct deposit, payroll, deduct, ABT, and accrual registers		Current + 10 years	GC60201	

CoM-11	Property Taxes	Allocations and receipts		Current + 3 years	GC60201	
CoM-12	Purchasing	Requisitions, purchase orders, invoices, vendor register		Current + 7 years	GC60201 CCP337	
CoM-13	Billing	Customer name, service address, payments, discounts, start/stop service, forms, adjustments		Current + 10 years	GC60201	
CoM-14	Class & Compensation	Job description/specifications and physical demands; final classification and compensation studies, salary schedules (individual desk audits would be in personnel file)		Superseded + 3 years	GC60201; GC12946	
CoM-15	Employee Eligibility Verification	Federal I-9 forms, including copies of identification documents		Separation + 3 years	GC60201; 8 CFR 274a.2; 29 CFR 1627.3(b)(1)	
CoM-16	Employee Handbook	Document outlining employment rules, regulations, policies, and conduct		Superseded + 2 years	GC60201	

CoM-17	Grievances	Grievances violation of the MOU		Life of MOU + 3 years		
CoM-18	Medical Leave (FMLA/CFRA Only)	FMLA/CFRA related documentation, including designation notices, rights and responsibilities		While employed + 3 years	GC60201; 29CFR825.500; GC12946,12960	
CoM-19	Personnel Records	Includes documentation (EXCLUDING Separated Employee File documents) related to new hire process, promotions, individual classification studies (desk audits), emergency contact information, payroll authorizations and elections, performance evaluations and commendations, disciplinary related documents, all benefit enrollment related documents, employment verifications, wage garnishment documentation, divorce related documents, and any other relevant personal documentation, Complaints, investi	x	Separation + 6 years	GC12946, 12960; GC60201; 29 USC 1113	
CoM-20	Recruitments	Includes applications, resumes, lists/logs, ethnicity disclosures; examination materials; examination answer sheets, job bulletins; eligibility; and all other data housed in the applicant tracking system		Completion + 3 years	GC60201, GC12946, 12960, 2 CCR 11013©; GC6250; 29CFR1602; 29CFR1627.3	
CoM-21	Sick Leave Cash Out Election Forms	Sick Leave Cash Out Election Forms		Completion + 4 years	IRS Publication 1035; GC60201	

CoM-22	1095/1094 Forms	Affordable Care Act (Annual filing of 1095-C and 1094-C documents including spreadsheet of EE data)		5 years	GC60201	
CoM-23	Bonds	Notary Public, Public Official, General Crime, and Public Employee bonds.		Permanent	GC60201 PC 801.5	
CoM-24	Employee Medical Records; Pre- Employment & Non-Industrial Medical Records	Medical records including fit for duty exams, respirator fit test, DMV exam, audio test, respirator exam, random drug screening, Hepatitis B form, and flu shot records. Medical certifications, Medical records related to pre- employment physicals and evaluation, and non-work related injuries.		Separation + 30 years	29CFR1910.1020; 8CCR3204(d) GC60201. 8 CCR 5144, 8 CCR 15400.2	
CoM-25	Employee Training Records	Documents related to individual employee training. Includes new hire safety orientation forms, Department Job Essential/Training & Equipment Checklist; safety training certificates; job specific training; professional development training; and certifications.		Superseded + 7 years	GC34090; GC34090 60201; 29 CFR 1602.31; LC §6429(c); 8CCR320 3(b)	
CoM-26	Workers Compensation Claims	Supporting documentation related to on-the-job injury (OJI) claims (that have been settled and include lifetime medical) such as completed OJI, Exposure and Declination packets, OSHA 300 Log; correspondence, photos, Employee Status Reports; and Comp databases. Includes Exposure and Declination packets that do not result in		Permanent	GC60201; 8 CCR §3204(d)(1) et seq., 8 CCR 5144, 8 CCR 15400.2; 29; CFR 1910.1020(d)(1) (i)	

		a claim.				
JPA-27	Public Notices	Notices and newspaper proof of publications including notice for ordinance adoption, construction projects (notice to proceed, of award, or of completion), public hearings, and special meetings.		Current + 4 years	CCP343; GC60201 GC 34090	