

## Amador Water Agency

### **Records Inspection, Retention and Disposal Policy**

Reviewed and Adopted by Resolution 2020-07  
04-23-2020

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#### **100.00 Purpose of the Policy**

This document describes the Amador Water Agency's policy concerning records inspection, retention, destruction, and storage.

#### **200.00 Inspection**

##### **200.10 Purpose and Scope**

This section provides criteria for the inspection of records.

##### **200.20 General**

Public records of the Agency are open to inspection during normal office hours and any person has a right to inspect these records.

##### **200.30 Definitions**

As used in this section:

- a. "Public Records" includes any writing containing information relating to the conduct of public business prepared, owned, used, or retained by the Agency regardless of physical form or characteristics and which is not otherwise exempt from disclosure in accordance with applicable laws.
- b. "Writing" means handwriting, typewriting, printing, photostating, photographing, text messages, emails and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents. Writing does not include compilations of writings created outside the normal course of business.

##### **200.40 Exemptions**

Nothing in this section requires disclosure of the following records:

- a. Preliminary drafts, notes, or intra- or inter-agency memoranda not retained by the Agency in the ordinary course of business, if the public interest in withholding such records clearly outweighs the public interest in disclosure;
- b. Records pertaining to pending litigation in which the Agency is a party or to claims made pursuant to Division 3.6 (Commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;
- c. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy or that is otherwise limited by law;
- d. Geological and geophysical data, plant production data, and similar information relating to utility systems development obtained in confidence from any source, related to groundwater well drilling/development;
- e. Test questions, scoring keys, and other examination data used to administer examinations for employment;
- f. The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the Agency relative to the acquisition of property, or to prospective supply and construction contracts, until such time as the property has been acquired or the contract agreement has been obtained. The law of eminent domain will not be affected by this provision;
- g. Records exempted or prohibited from disclosure pursuant to provisions of Federal or State Law, including, but not limited to, provisions of the Evidence Code relating to privilege;
- h. Data, plans, drawings, schematics, manuals and other documents related to the security and protection of the Agency's water supplies;
- i. Private information pertaining to any customer, director or employee that is explicitly exempt under Government Code sections 6254(c) and 6254.16 or that may be exempt because of personal safety and privacy concerns under Government Code section 6255, including, but not limited to, personal identifying information and private data such as social security numbers, home address, telephone number, credit history, water usage, and confidential personnel and financial records.
- j. Computer software developed by the Agency for internal use and not otherwise made available to the public except by selling, leasing, or licensing such software for commercial or non-commercial use. The Agency's

proprietary computer software may include computer mapping systems, computer programs, and computer graphics systems.

- k. Information security, if disclosure of that information would reveal vulnerabilities of, or otherwise increase the potential for an attack on the Agency's information technology system. This exemption in no way limits the Agency's obligation to disclose otherwise public records stored within its information technology system; and
- l. Other records the disclosure of which is not required by law.

#### **200.50 Additional Public Records**

Notwithstanding the foregoing:

- a. Every employment contract between the Agency and a public official or public employee is a public record.
- b. An itemized statement of the total expenditures and disbursements of the Agency provided for in Article VI of the California Constitution will be open for inspection; and
- c. Documents concerning an open session item of a noticed public meeting that are provided to all or a majority of the Board or a committee less than 72 hours before that meeting are public records.

#### **200.60 Justification for Withholding of Records**

The Agency will justify withholding a record by demonstrating the record is exempt under the express provisions of Government Code sections 6254 and 6254.16 and any other applicable statute (including the records listed above in section 200.40) or by demonstrating that the public interest served by not making the record available clearly outweighs the public interest served by disclosing the record. Written notice of intent to withhold records stating the reasons for withholding the records, the person making such determination, and an estimated time for when disclosable documents will be furnished will be provided to the person requesting the record within ten days, or later if good cause requires, of the request for inspection as required by Government Code sections 6253, subdivision (c) and 6255, subdivision (b).

#### **200.70 Confidentiality of Certain Records**

While the Agency supports and implements the legal principles underlying the "government sunshine laws", including the Public Records Act and Brown Act, it also recognizes the equally important constitutional principles underlying its customers', directors' and employees' rights to privacy in their personal information. Such information includes those items described in Section 200.40(i) of this Policy. The Agency will not disclose private information of any customer, director or

employee unless compelled by a legally-authorized subpoena, court order or order of another government agency with the power to obtain such records or authorized by the customer, director or employee in writing. In cases where there is no clear exemption from disclosure, the Agency will attempt to contact the customer, director or employee whose private information is being requested, inform the customer, director or employee of the request, and provide that person or entity with the opportunity to object to the request and if desired, to seek a court order to protect the private information being requested from disclosure.

## **200.80 Copies of Records**

- a. A person may obtain copies of identifiable records, by written request on the Agency's request form. Upon request, Agency staff will assist the requestor to identify records and complete the request form. The Agency Clerk of the Board is the custodian of the Agency's records and will provide the requestor with copies of all requested records unless a record is in electronic form or in a specialized format, in which case the Agency will provide the most accurate copy possible within the limits of available technology and the requestor's instructions and willingness to pay the appropriate costs to retrieve and reproduce copies of such non-standard records, if applicable. Officers, agents and employees of the Agency are not required to request records in compliance with this section when acting within the course and scope of employment or office holding. If the Agency is unable to provide requested copies within ten days of the request, it will advise the requestor in writing of the date when the record will be provided.
- b. The charge for plain paper standard black and white letter or legal size photocopies will be in accordance with the Miscellaneous Fees and Charges of the Agency's Water and Wastewater Regulations, which reflects the Agency's direct copying costs. Large format documents, maps, color copies and similar specialized documents will be charged at cost, which the Agency will determine and advise the requestor of and receive approval from the requestor before copying begins. Payment for all services is required at the time copies are provided, although the Agency may require a deposit as provided below in subdivision (c) before beginning copying and/or sending the job to an outside copy service, in which case the copy service's actual charges will be passed through to the requestor. No charge will be imposed for research.
- c. The Agency Clerk of the Board may require a person who desires to obtain a copy of a record to deposit an amount equal to the estimated fees for copying prior to receiving the record. The portion of the deposit not required will be refunded. If the deposit is insufficient, the Agency may require the requestor to pay any balance of copying charges due before any records are released.

## **200.90 Public Counter Records**

- a. Except for writings exempt from public disclosure, the Agency Clerk of the Board will maintain a duplicate copy of the last approved Board meeting minutes and the agenda and written materials distributed to the Board for discussion or consideration at the next scheduled Board meeting. These records will be maintained at the public counter located in the Agency's administrative office. Public records discussed during a public meeting but not previously available will be made available before the commencement of discussion at such meeting or as soon thereafter as practicable.
- b. Public counter records also include those public meeting documents described in subdivision (c) of section 200.50 of this Policy.
- c. No charge will be imposed for the use or review of the records described in this section. The Agency will, however, impose a copy charge if a copy of a public counter record is requested.
- d. The Agency also posts on its website copies of all public counter records, archived Board meeting minutes and agendas, current Board policies, and other important Agency documents. Requestors are encouraged to view and obtain copies of available documents on the Agency's website by visiting: [www.amadorwater.org](http://www.amadorwater.org).

## **200.95 Recording-Keeping**

The Agency Clerk of the Board will maintain a record of requests for inspection that are denied and the reasons for the denial.

## **300.00 Retention, Disposal and Storage**

### **300.10 Purpose and Scope**

This section provides criteria for the retention, destruction, and storage of records.

### **300.20 Records Retention Schedule**

This is the Agency's Records Retention Schedule, which has been adopted by the Board of Directors by Resolution 2020-07 in accordance with Government Code sections 12236 and 60201, subdivision (b)(2), and reviewed at least biennially. As provided by California law, the Agency will retain, store and dispose of its records in accordance with this schedule and the requirements and procedures set forth in this policy. In accordance with Government Code sections 60201 and 60203, the Agency may keep a copy of any record listed in the schedule below either in its original form or as an electronic record stored in the Agency's Records Management System, which is a trusted system within the meaning of Government Code section 60203(a).

**LR = Legally Required retention period.**

<u>Title</u>	<u>Minimum Retention Period</u>	<u>Notes/Comments</u>
<b><u>Administration:</u></b>		
Correspondence	3 years	
Policy and Procedures	7 years after cancellation	
Formation/accreditation	Permanent	
Consumer confidence reports	10 years	LR
Oaths of office/ballots/other official materials related to election or appointment of directors and officers	Term of Office + 7 years	LR
Filings with Clerk of the Board of State	Permanent	LR
Work Orders/ Time Sheets	3 years	
Form 700 Statements of Economic Interests	7 years after filing	LR
Form 801 Gift to Agency	7 years after filing	LR
Form 470 annual Financial Disclosure Statements	7 years after filing	LR
<b><u>Board of Directors:</u></b>		
Agendas	3 years	
Meeting Notices	3 years	
Staff Reports	3 years	
Board and standing committee meeting minutes	Permanent	LR
Ordinances and Resolutions	Permanent	LR
Conflict of Interest Code	Current + 3 years	LR
Board policies and procedures	Current + 3 years	LR
Ethics Code	Current + 3 years	LR
Proofs of Completion of Directors' and Designated Employees' Ethics Training	5 years	LR
Board Meeting Recordings	2 years	
<b><u>Committees:</u></b>		
Agendas	3 years	
Meeting notices	3 years	
Minutes	Permanent	LR
Staff Reports	3 years	

<u>Title</u>	<u>Minimum Retention Period</u>	<u>Notes/Comments</u>
<b><u>Contracts:</u></b>		
Agreements and contracts	10 years following end of contract	LR
Requests for proposal and request for qualifications	Contract Termination + 5 years	
Responses to requests for proposal and requests for qualifications	Contract Termination + 5 years 2 years for all unaccepted proposals	LR
<b><u>Capital Improvements:</u></b>		
Capital improvement contracts	10 years following end of contract	LR
Accepted bid documents	5 years	
As-built plans/ documents	10 years following end of contract	
Unaccepted construction bids and proposals	2 years	LR
<b><u>Elections Materials:</u></b>		
General	3 years	
Special	3 years	
<b><u>Financial:</u></b>		
		Grant reimbursed expense must be kept until state DOF audit complete
<b><u>Accounts payable</u></b>		
	All categories below are Audit + 2 years	
Correspondence	3 years	
A/P ledger/distribution journal	3 years	
Cash disbursements	3 years	
Payroll/stipend payments	3 years	LR
Petty cash reports	3 years	LR
Expense reports	3 years	LR
Invoices	3 years	LR
Purchase orders	3 years	LR
Warrants	3 years	LR
<b><u>Accounts Receivable</u></b>		
A/R register	3 years	
Aged trial balance	3 years	
Invoices	3 years	

<u>Title</u>	<u>Minimum Retention Period</u>	<u>Notes/Comments</u>
<b><u>Audit Reporting</u></b>		
Correspondence	3 years	
Reports	3 years	
State Controller's report	Permanent	LR
Work papers	3 years	
<b><u>Banking</u></b>		
Correspondence	3 years	
Bank confirmations	3 years	
Bank reconciliations	3 years	
Bank statements	3 years	
Canceled and voided checks	3 years	
Deposit slips	3 years	
Signature authorization	3 years	
<b><u>Financial Reporting</u></b>		
Correspondence	7 years	
Reports and studies	7 years	
Charts of accounts	7 years	
Treasurer's reports	7 years	
Accountant reports	7 years	
<b><u>Ledgers</u></b>		
	All categories below are Audit + 2 years	
Account analysis		
Balance sheets		
General ledger		
Journal entries		
<b><u>Annual Budgets</u></b>		
	2 years	
<b><u>Issuance of Indebtedness</u></b>		
	All categories below are 4 years after repayment	
<b><u>Bond Insurance</u></b>		
Trust indentures		LR
Funds management agreement		LR
Other permanent bond records		LR
Canceled checks for bond interest payments/redemption	10 years	
<b><u>Securities</u></b>		
Acquisition of securities	3 years	
Broker/ bank receipts	3 years	
Periodic statements	3 years	
<b><u>Personal Property</u></b>		
Inventory	4 years	
Maintenance and inspection logs	4 years	

<u>Title</u>	<u>Minimum Retention Period</u>	<u>Notes/Comments</u>
Computer licenses and documentation	Until Expiration/obsolescence	
<b><u>Insurance:</u></b>		
Memoranda of coverage	Expiration + 5 years	
Insurance policies	Expiration + 5 years	
Endorsements	Expiration + 5 years	
Certificates of insurance	Expiration + 5 years	
Coverage opinions	Expiration + 5 years	
Surety/Fidelity Bonds	Expiration + 5 years	
Required to be maintained by insurer	10 years	
<b><u>Legal:</u></b>		
General correspondence	3 years	
Attorney correspondence	3 years	
Claims and claims records	2 years after close of claim	LR
Minor's claims	2 years from age of 18	LR
Litigation	2 years after litigation concludes	LR
Opinions	7 years	LR
<b><u>Membership:</u></b>		
Membership records	7 years	
Program participation agreements	10 years	
Appointment resolutions/letters	7 years	
<b><u>Personnel:</u></b>		
Personnel files	Permanent	LR
Amount of compensation paid to Officers and Employees	7 years after date of payment	LR
Reimbursements, advances and credit card payment records for Officer and Employee travel and other Agency-related expenses	7 years after date of payment	LR
Job descriptions	Current + 2 years	LR
Time sheets	Current + 4 years	
Call reports and logs	Current + 4 years	
Employment Agreements	Expiration/Termination + 4 years	
Job applications and resumes	1 year	LR
Position advertisements	2 years	LR
Employment testing results	2 years	LR

<u>Title</u>	<u>Minimum Retention Period</u>	<u>Notes/Comments</u>
OSHA logs and records	5 years	
Safety and training records	Employment + 4 years	
Drug & alcohol program records	5 years	
DE 34-New Employee Report	4 years	
19-Employment Eligibility	3 years after hire or 1 year after termination, whichever is later	
Harassment Training Records	2 years	
<b><u>Real Property:</u></b>		
Deeds and other documents related to real property interests	Permanent	LR
Eminent domain	Permanent	LR
Annexation and detachment	Permanent	LR
<b><u>Tax-Related:</u></b>		
Auditor's assessed valuation certificates	5 years	LR
Agency tax collection information	5 years	LR
<b><u>Miscellaneous:</u></b>		
Other records Board determines to be of significant and lasting historical, administrative, financial, legal or research value	Permanent	LR
Records not prepared or received nor required to be maintained pursuant to state or federal law	2 years	
Other records prepared or received pursuant to state or federal law, but not expressly required to be maintained	3 years	
Board meeting tape recordings	2 years	LR

### 300.30 Retention of Other Records

- a. The Agency must retain the following records, regardless of any different destruction policy or schedule as to any identified record or records specified in the records retention schedule set forth in section 2.2 above:

- i. Any record of the Agency that is the subject of a pending request made under the California Public Records Act, Government Code sections 6250 through 6276.48, until the Agency has either (A) complied with the request or (B) waited at least two years after the record was withheld and written notice denying the request was provided to the requestor; **(LR)**
  - ii. Documents related to pending public works not accepted by the Agency or to which a stop notice claim may be legally presented; **(LR)**
  - iii. Documents related to any non-discharged Agency debt; and **(LR)**
  - iv. Any document that has not yet fulfilled the administrative, fiscal, or legal purpose for which it was created or received by the Agency. **(LR)**
- b. The Agency may dispose of the following records at any time, without maintenance of a copy:
- i. Duplicates, the original or a permanent photographic record of which is on file;
  - ii. Rough drafts, notes and working papers prepared or kept by any employee or accumulated in the preparation of a communication, study or other document, unless of a formal nature contributing significantly to the preparation of the document, including but not limited to meter books after the contents thereof have been transferred to other records;
  - iii. Cards, listings, non-permanent indices, other papers used for controlling work and transitory files including letters of transmittal, suspense letters, and tracer letters;

### **300.40 Records Storage**

All of the records referenced in this section will be maintained at the Agency's Administrative office located at 12800 Ridge Rd , Sutter Creek CA 95685. 12780 Ridge Rd. Sutter Creek, CA 95685, 26723 Hwy 88 Pioneer CA 95666, 523 Foothill Blvd. Ione CA 95640. 2901 Camanche Rd., Ione CA 95640.

### **300.50 Records Disposal**

The General Manager, or his or her designee, may destroy and discard, by any permanent method that protects the confidentiality of any privileged or confidential information contained therein, any Agency record after the expiration of the applicable retention period described in the above Records Retention Schedule.

### **400.00 Policy Review**

This policy shall be reviewed at least every two years.