

WCSD RESOLUTION 07-6

ESTABLISHING A POLICY FOR RETENTION OF DISTRICT RECORDS

WHEREAS, the California Secretary of State has recently issued local government records management guidelines (June 2004), and certain legislation has been passed and signed into law that augments the authority of local governments and districts to establish records retention schedules that comply with the Secretary of State guidelines (AB 474 amending Government Code Sections 60200 et seq.); and

WHEREAS, said Board of Directors is authorized by the provisions of California Government Code Sections 60200 et seq., to establish a records retention schedule applicable to district records; and

WHEREAS, an appropriate records retention schedule assists the District by documenting which records require office or temporary storage, which records have historic or research value, and which records should be destroyed because they no longer have any administrative, fiscal or legal value.

NOW, THEREFORE, the Board of Directors of the Westhaven Community Services District does hereby **RESOLVE** and **ORDER** as follows:

Section 1: Authorization for Destruction of Records. The Record Retention Schedule set forth in Exhibit "A" hereto is adopted as the approved schedule for the District in compliance with Government Code Sections 60200 et seq., and after such records have been retained for the time periods and according to the process set forth therein, such records may be destroyed.

Section 2: Destruction of Records after Scanning. Any record not expressly required by law to be filed and preserved in original form may be destroyed at any time after it is electronically stored in conformance with the requirements of Government Code Section 60203.

Section 3: Destruction of Duplicates. Pursuant to Government Code Section 60200, any duplicate record, paper or document, the original or a permanent photographic copy of which is in the files of the District, may be destroyed after confirmation that such original or permanent photographic copy remains on file in the District.

Section 4: Retention of Records Not Mentioned. All records, papers and documents not mentioned in this Resolution may be scanned as archival records or destroyed so long as such disposal is consistent with the recommendations of the Local Government Records Management Guidelines as set forth by the Secretary of State (June 2004) as the same may be amended from time to time.

Section 5: Retained Records. (d) Notwithstanding any other provision of this section or other provision of law, a district may not destroy or dispose of any record that is any of the following:

- (1) Relates to formation, change of organization, or reorganization of the district.
- (2) An ordinance adopted by the district. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of pursuant to this section five years after it was repealed or became invalid or unenforceable.
- (3) Minutes of any meeting of the legislative body of the district.
- (4) Relates to any pending claim or litigation or any settlement or other disposition of litigation within the past two years.
- (5) Is the subject of any pending request made pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), whether or not the district maintains that the record is exempt from disclosure, until the request has been

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granted or two years have elapsed since the district provided written notice to the requester that the request has been denied.

- (6) Relates to any pending construction that the district has not accepted or as to which a stop notice claim legally may be presented.
- (7) Relates to any nondischarged debt of the district.
- (8) Relates to the title to real property in which the district has an interest.
- (9) Relates to any nondischarged contract to which the district is a party.
- (10) Has not fulfilled the administrative, fiscal, or legal purpose for which it was created or received.
- (11) Is an unaccepted bid or proposal, which is less than two years old, for the construction or installation of any building, structure, or other public work.
- (12) Specifies the amount of compensation paid to district employees or officers or to independent contractors providing personal or professional services to the district, or relates to expense reimbursement to district officers or employees or to the use of district paid credit cards or any travel compensation mechanism. However, a record described in this paragraph may be destroyed or disposed of pursuant to this section seven years after the date of payment.

PASSED, APPROVED, and ADOPTED this 15th day of August 2007 by the following roll call vote:

AYE: Blake, Nichols, Smith
NO: None
ABSTAIN: None
ABSENT: Verick

Courtney Blake, President
Westhaven Community Services District

ATTEST:

Annette C. Leshner, Secretary
Westhaven Community Services District