

RESOLUTION NO. 2022-02

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF SAN DIEGO COMMUNITY POWER
ADOPTING A RECORDS RETENTION POLICY
AND RECORDS RETENTION SCHEDULE**

A. San Diego Community Power (“SDCP”) is a joint powers agency formed pursuant to the Joint Exercise of Powers Act, Cal. Gov. Code § 6500 *et seq.*, California Public Utilities Code § 366.2, and a Joint Powers Agreement effective on October 1, 2019 (“JPA Agreement”).

B. Pursuant to Government Code Section 6509 and Section 3.4 of the JPA Agreement, SDCP’s powers are subject to the restrictions upon the manner of exercising power possessed by the City of Encinitas, a general law city.

C. Government Code Section 34090, *et seq.*, provides general rules and procedures related to retention and destruction of records of general law cities. Pursuant to Government Code Section 6509 and Section 3.4 of the JPA Agreement, such rules and procedures apply, by extension, to SDCP.

D. Various other provisions of State and federal law require retention of SDCP records for specific periods of time.

E. In order to comply with applicable records retention statutes and regulations, SDCP desires to adopt the proposed Records Retention Policy and Records Retention Schedule to provide for the orderly retention of SDCP records and the proper disposal of obsolete records.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of San Diego Community Power as follows:

Section 1. The Board of Directors finds that the foregoing recitals are true and correct and are incorporated herein.

Section 2. The Records Retention Policy and Schedule attached hereto as Exhibit A are incorporated as though fully set forth herein, and are hereby adopted as the official Records Retention Policy and Schedule of SDCP. SDCP shall retain records in accordance with the requirements and procedures set forth in the Records Retention Policy and Schedule and with applicable law. Pursuant to Government Code section 34090, SDCP is authorized to dispose of obsolete records in accordance with the requirements and procedures set forth in the Records Retention Policy and Schedule and with applicable law.

Section 3. The Chief Executive Officer (“CEO”) and Records Coordinator designated by the CEO are authorized to do any and all acts necessary to give effect to and comply with the terms and intent of the Records Retention Policy and Schedule. The CEO and Records Coordinator shall be responsible for the administration of the retention of records and the destruction of obsolete records pursuant to the Records Retention

Policy and Schedule. In addition, the CEO and Records Coordinator are authorized to update or amend the Records Retention Schedule as needed, without further approval from the Board of Directors, in order to stay current with federal and state laws, as well as any other regulations, regarding records retention.

Section 4. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable. The Board of Directors hereby declares that it would have adopted this resolution irrespective of the invalidity of any particular portion thereof.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of San Diego Community Power held on March 24, 2022.

AYES: Directors Sotelo-Solis, LaCava, Lawson-Remer and Dedina, Alternate Director Humora and Chair Mosca

NOES:

ABSTAIN:

ABSENT: Alternate Director McCann



Chair, Board of Directors
San Diego Community Power

03 / 25 / 2022

ATTEST:



Secretary, Board of Directors
San Diego Community Power

03 / 28 / 2022

EXHIBIT A

RECORD RETENTION POLICY AND RECORD RETENTION SCHEDULE

[SEE FOLLOWING PAGES]



San Diego Community Power **Records Retention Policy**

1.0 PURPOSE

California Government Code Sections 34090 through 34090.8 and the Secretary of State Local Government Records Management Guidelines govern the retention of records of San Diego Community Power (“SDCP”) and the disposal of SDCP’s obsolete records. The purpose of this Policy is to provide policies regarding the retention of SDCP records; provide for the identification, maintenance, safeguarding of SDCP records and the disposal of obsolete records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with all legal and regulatory requirements.

2.0 AUTHORIZATION

The Chief Executive Officer (“CEO”) is authorized by the Board of Directors (“Board”) to interpret and implement this Policy and to designate a Records Coordinator who shall be responsible for the administration of this Policy. The CEO and the Records Coordinator are authorized to do any and all acts necessary to comply with the provisions and intent of this Policy. The CEO and Records Coordinator are responsible for the appropriate retention of records and the destruction of any obsolete records that meet the qualifications governing the retention and disposal of records, as specified below.

3.0 DEFINITIONS

1. Document, record, or writing means any handwriting, typewriting, printing, photostating, photographing, photocopying, electronic mail or facsimile transmission, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.
2. Official Record means a record that: (a) is required to be maintained for a specific period of time under the attached Record Retention Schedule; (b) is otherwise required by law to be kept permanently or for a specific period of time; or (c) is necessary and convenient to the discharge of an SDCP officer or employee’s official duties and was made or retained for the purpose of preserving its informational content.
3. Transitory Record means a record whose value is comparatively short-lived and may be discarded when it has fulfilled the brief, limited purpose for which it was created. Transitory records include, but may not be limited to, preliminary drafts, notes, or inter- or intra-agency memoranda not kept in the ordinary course of business and the retention of which is not necessary for the discharge of an SDCP officer or employee’s official duties. Specific examples are: transmittal letters, acknowledgments, drafts, rough notes, preliminary calculations, non-substantive follow-up communications or reminders, and

similar electronic communications that, based on their content, are not required to be retained as “Official Records.”

4.0 GENERAL GUIDELINES

The following general guidelines apply to all SDCP records:

1. Except where a record is expressly required to be preserved by law or this Policy, SDCP may destroy any original obsolete record without retaining a copy of the document as long as the retention and destruction of the document complies with this Policy and the attached Record Retention Schedule. (Gov. Code § 34090.)
2. In addition to the retention periods required under the attached Record Retention Schedule, SDCP shall retain original administrative, legal, fiscal and/or historical records with continued value (i.e., records for long-term transactions and/or special projects) as Official Records until all matters pertaining to such records are completely resolved or the time for appeals has expired.
3. At any time, SDCP may discard Transitory Records that have fulfilled their limited purpose; *provided, however*, that any Transitory Records subject to the “Exceptions to Disposal of Obsolete Records” section of this Policy may not be discarded and shall be temporarily retained for the necessary period.
4. As further provided in SDCP’s Computer Usage and E-mail Management Policy, e-mails relating to SDCP business, whether located on an SDCP electronic device or account or a personal electronic device or account: (a) are considered “public records” under the California Public Records Act and may be subject to disclosure; and (b) may be required to be retained by SDCP either as Official Records or as Transitory Records subject to the “Exceptions to Disposal of Obsolete Records” section of this Policy.
5. Pursuant to Government Code section 34090, SDCP shall not destroy any of the following records:
 - a. Records affecting the title to real property or liens thereon;
 - b. Court records;
 - c. Records required to be kept by statute;
 - d. Records less than two years old;
 - e. The minutes, ordinances, or resolutions of the Board of Directors or of another legislative body established by SDCP.
6. In addition, SDCP shall not destroy any of the following records:
 - a. Original, final records relating to the execution or amendment of SDCP’s Joint Powers Agreement;

- b. Any records that are the subject of any pending request for records under the California Public Records Act, whether or not the document is exempt from disclosure or considered a Transitory Record, until the request has been granted or two (2) years after the request has been denied by SDCP.
7. The Records Coordinator may authorize the destruction of hard-copy originals of Official Records upon complying with all of the requirements of Government Code section 34090.5, which ensures that such records are reproduced and maintained in a format that is accurate, legible, and not subject to modification. Such methods may include, but not limited to, having the records photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document, or reproduced on film, optical disk, or any other medium in compliance with Government Code section 12168.7 for recording of permanent records or nonpermanent records.

5.0 RECORDS RETENTION SCHEDULE

The Records Retention Schedule for SDCP is attached to this Policy as Attachment "A" and is incorporated into this Policy by this reference. This Policy, including the Records Retention Schedule, shall comply with State and federal law, as well as the records retention guidelines provided by the California Secretary of State. The Records Retention Schedule may be updated from time to time by the CEO and/or the Records Coordinator in order to stay current with federal and State laws, as well as any other regulations, regarding the retention of SDCP records.

6.0 RECORDS TO BE RETAINED IN ORIGINAL FORMAT

The records listed above in Section 4 of the "General Guidelines" must be retained in their original format, whether the original record is in hard copy or electronic format.

In addition, the following records are required to be retained in their original hard copy format for at least two (2) years before imaging or scanning them into electronic format for retention:

- Statements of Economic Interest for Elected Officials (copies of FPPC Form 700). (Total retention is four (4) years)
- Statements of Economic Interest for Non-Elected Officials (originals of FPPC Form 700). (Total retention is seven (7) years)

After two (2) years, SDCP may image/scan the above documents and dispose of the hard copy versions. The electronic version becomes the "original," pursuant to State law. (Gov. Code §§ 34090.5; 81009(g).)

7.0 DUPLICATE RECORDS

The CEO and/or the Records Coordinator are authorized to destroy at any time any **duplicate** record of SDCP, while the original, whether in paper or electronic format, is retained by SDCP for the legally required time period.

8.0 PROCEDURES FOR DISPOSAL OF OBSOLETE RECORDS

1. At least once annually, each department is responsible for reviewing all Official Records in its custody. Official Records that have reached the end of their retention period, including electronic records, are to be destroyed by following the procedures described below.
2. The department head completes and signs a “Request for Destruction of Obsolete Records” form, listing the date and description of each document to be destroyed. A sample form is attached to this policy as Attachment “B.” The department head submits the form to the Records Coordinator.
3. The Records Coordinator checks the records listed on the submitted form to confirm that each document: (1) is not required to be permanently retained; (2) has been retained for the legally required period of time; and (3) is not subject to an exception requiring continued retention under this Policy (e.g., public records request, subpoena, litigation hold, etc.). The Records Coordinator also confirms that any applicable reproduction requirements (i.e., scanning/imaging, etc.) for each document are complete.
4. The Records Coordinator submits the form to the General Counsel, who reviews and signs the form and then returns the signed form to the Records Coordinator.
5. After receiving the signed form from the General Counsel, the Records Coordinator oversees the destruction of the obsolete records, indicates the method of destruction on the form, signs the form and retains the original signed form.
 - a. The Records Coordinator will retain all original signed forms requesting destruction of obsolete records for a minimum period of two (2) years.
 - b. The Records Coordinator will retain a permanent record, such as a log or copies of certificates of destruction, in whatever format the Records Coordinator determines to be convenient for the purpose, to document the destruction of obsolete records of SDCP.

9.0 EXCEPTIONS TO DISPOSAL OF OBSOLETE RECORDS

Disposal of **any** record, whether it is an Official Record that has met or exceeded its retention periods or a Transitory Record that has fulfilled its limited purpose, must be postponed if the record is responsive to, subject to, or relates in some way to any of the following:

1. A pending Public Records Act request received by SDCP;
2. A subpoena served on SDCP;
3. A Request for Production received by SDCP from an opposing party in litigation;
4. A court order;
5. A litigation hold or request for preservation of evidence received by SDCP; or
6. A claim filed against SDCP under the Government Claims Act.

The above exceptions apply to both hard copy and electronic records.

ATTACHMENT "A"

**RECORDS RETENTION SCHEDULE
FOR SAN DIEGO COMMUNITY POWER**

[Attached]

ATTACHMENT "B"
REQUEST FOR DESTRUCTION OF OBSOLETE RECORDS

[Attached]

SAN DIEGO COMMUNITY POWER

To: SDCP Records Coordinator
SDCP General Counsel

From: Department Head

Subject: Request for Destruction of Obsolete Records

I am requesting approval to destroy the obsolete records listed below.

DATE OF RECORD	DESCRIPTION OF RECORD

If additional space is needed, attach a second page to this form.

APPROVED

Department Head

Date

General Counsel

Date

The obsolete records described above were destroyed under my supervision using the following method: Shredding Electronic deletion Other (specify:_____)

I certify that such destruction meets the requirements of the Records Retention Policy of San Diego Community Power and all applicable requirements of State and federal law.

Records Coordinator

Date of Records Destruction

RECORDS RETENTION SCHEDULE FOR SAN DIEGO COMMUNITY POWER

Destruction of any SDCP record must have the Board of Directors approval and written consent from the General Counsel, unless otherwise provided by law. (Gov. Code § 34090.)

Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Accident/Illness Reports	For Employee Medical Records & Employee Exposure Records regarding exposure to toxic substances or harmful physical agents --Includes Material Safety Data Sheets (MSDS) Does NOT include: records of health insurance claims maintained separate from employer's records; first aid records of one-time treatments for minor injuries; records of employees who worked less than one (1) year if records are given to employee upon termination	8 CCR 3204(d)(1)(A)(B)	Length of employment + 30 years
Accidents/Damage to Agency Property	Risk management administration	GC 34090 CCP 337.15	10 years
Accounting Records – General Ledger	General Ledger	GC 34090 CCP 337	Until audited + 4 years Published articles show 4 – 7 years retention as typical Sec. of State Guidelines recommends permanent retention.
Accounting Records – - Permanent Books of Accounts	Records showing items of gross income, receipts and disbursement (including inventories, per IRS regulations)	26 CFR 1.6001-1(c) & (e)	Permanent

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC	Penal Code (California)
CCR	California Code of Regulations	R&TC	Revenue & Taxation Code (California)	H&S	Health & Safety Code (California)
CFR	Code of Federal Regulations	USC	United States Code		
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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Accounts Payable	Journals, statements, asset inventories, account postings with supporting documents, vouchers, investments, invoices and back-up documents, purchase orders, travel expense reimbursements, petty cash, postage, retirement reports, check requests, etc.	CCP 337 26 CFR 31.6001-1(e)(2); Sec. of State Local Gov't. Records Mgmt. Guidelines recommendation	Until audited + 4 years
Accounts Receivable	Receipts for deposited checks, coins, currency; checks received, reports, investments, receipt books, cash receipts, cash register tapes, etc.	CCP 337 26 CFR 31.6001-1(e)(2); Sec. of State Local Gov't. Records Mgmt. Guidelines recommendation	Until audited + 4 years
Affidavits of Publication / Posting	Legal notices for public hearings, publication of ordinances, etc.	GC 34090	Current + 2 years, unless part of a project or matter that requires longer retention (e.g., CEQA documents)
Agency Report of Consultants (FPPC Form 805)	Identifies consultants hired by the Agency who must file Form 700	2 CCR 18734; GC 81009(e)	7 years
Agency Report – Events and Ticket/Pass Distribution (FPPC Form 802)	Report of tickets/passes; identifies persons who received tickets/passes and describes the public purpose for the distribution	GC 81009(e)	7 years
Agency Report of New Positions (FPPC Form 804)	Identifies new positions that will make or participate in making governmental decisions on behalf of the Agency	GC 81009(e)	7 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Agency Report of Public Official Appointments (FPPC Form 806)	Report of additional compensation received by agency officials when appointing themselves to committees, boards or commissions of other public agencies, special districts, joint powers agencies or joint powers authorities. <u>Copy of current report must be posted on the Agency's website.</u>	2 CCR 18702.5(b)(3); GC 81009(e)	Original - 7 years
Agenda / Agenda Packets	Board of Directors, committees – agendas and packets can be imaged immediately for retention, if desired.	GC 34090 GC 34090.5	2 years
Agenda reports (staff reports)	Board/committees - Originals can be imaged immediately for retention, if desired. The imaged record can serve as the “original” record, if desired.	GC 34090 GC 34090.5	2 years
Agreements (See also Contracts)	Original contracts and agreements and back-up materials, including leases, license agreements, energy procurement contracts, service/maintenance contracts, etc.	CCP 337 CCP 337.2 CCP 343	4 years after termination/completion
	Original contracts/agreements regarding the development of real property, design, specifications, surveying, planning, supervision, testing, or observation of construction or improvement to real property; may include records of retention releases, retention withheld, change orders, etc.	CCP 337.15	10 years after termination/completion

Legal Authority Abbreviations

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Agreement – Joint Powers Agreement	Original Joint Powers Agreement and amendments	GC 34090	Permanent
Annual Financial Report	May include independent auditor analysis	GC 34090	Until audited + 2 years Sec. of State Guidelines recommends while current + 7 years
Applications for Boards, Commissions Committees	Not selected	GC 34090	2 years
Applications for Boards, Commissions, Committees	Selected	GC 34090 Sec. of State Guidelines	Current + 5 years
Appraisals	For Real Property Owned by Agency	GC 34090	2 years
Audit Hearing or Review	Documentation created and or received in connection with an audit hearing or review	GC 34090	2 years
Audit Reports	Financial services; internal and/or external reports	GC 34090 CCP 337 CCP 343	Current + 4 years Sec. of State Guidelines recommends permanent retention
Bank Account Reconciliations	Bank statements, receipts, certificates of deposit, etc.	26 CFR 31.6001-1(e)(2)	4 years (Sec. of State Guidelines – recommended retention: until audited + 5 years)
Behested Payment Report (FPPC Form 803)	FPPC form used by elected officials to disclose payments made at their behest (\$5,000 or more from same source) for legislative, governmental, or charitable purposes.	GC 81009; 82015(b)(2)(B)(iii)	7 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Bids, Successful	Includes plan and specifications; notices/affidavits.	GC 34090 CCP 337, 337.1	4 years
Bids, Unsuccessful	Unsuccessful bid packages only	GC 34090	2 years
Billing Records	Utility bill stubs – submitted with payment	GC 34090	Current + 2 years
Bonds	Authorization/public hearing records/prospectus/proposals/certificates/notices (transcripts)/registers/statements.	CCP 336a, 337.5	Upon cancellation, redemption or maturity + 10 years
Bonds, Employee (Fidelity Bonds)	Form of insurance that covers employer (Agency) for losses resulting from fraudulent acts of specified employees	GC 34090	Length of employment + 2 years
Bonds - Final	Final bond documentation; monthly statement of transactions; supporting documents	GC 34090 CCP 337.5	Upon cancellation, redemption or maturity +10 years
Bonds – Paid/Cancelled	Paid or cancelled bonds; warrant certificates; interest coupons	GC 34090 GC 53921	2 years
Bonds, Surety	Documentation created and/or received in connection with the performance of work/services for the Agency, or for parcel maps and subdivision work	CCP 337	4 years
Bonds – Unsold/Unused	Unsold/unused bonds	GC 34090 GC 43900 et seq.	2 years (specific requirements for disposal of unused bonds)
Brochures/ Publications	Informational/promotional documents created for or by the Agency	GC 34090	2 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Budget, Annual	Annual operating budget approved by Board of Directors	GC 34090	Current + 2 years Sec. of State Local Gov't. Records Mgmt. Guidelines recommends permanent retention.
Cal-OSHA	Log of work related injuries & illnesses (Form 300), Annual Summary (Form 300A), Incident reports (Form 301)	LC 6410; 8 CCR 14300.33	5 years
California State Tax Records	Forms filed annually; quarterly and year-end reports	R&TC 19530 R&TC 19704	6 years
Checks (Agency-issued)	Includes payroll checks; canceled or voided checks; copies of checks; electronic versions of checks	GC 34090 CCP 337 26 CFR 31.6001-1(e)(2)	Until audited +4 years (Sec. of State Guidelines – recommended retention: until audited + 5 years)
Citizen Feedback	General correspondence.	GC 34090	2 years
Claims Against the Agency	Government Claims Act – Claims paid or denied	GC 34090	Until settled + 2 years
Collective Bargaining Agreements	Memoranda of Understanding (MOUs) with employee unions; represented employee groups	29 CFR 516.5(b)	Current + 3 years
Community Surveys	Review final survey reports for historic significance	GC 34090	2 years
Complaints - Miscellaneous	Miscellaneous complaints, not related to specific lawsuits involving the Agency and not otherwise specifically covered by the Retention Schedule.	GC 34090	2 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Comprehensive Annual Financial Reports (CAFR)	Finance	GC 34090 CCP 337	Until audited + 4 years
Conflict of Interest Code	Conflict of Interest Code – required under Political Reform Act; must be reviewed by July 1st of every even-numbered year and amended if necessary	GC 87300 et seq.	Permanent
Contracts, Agency (see also Agreements)	Original contracts and agreements and back-up materials, including leases, license agreements, service/maintenance contracts, etc.	CCP 337 CCP 337.2 CCP 343	4 years after termination/ completion
	Original contracts/agreements regarding the development of real property, design, specifications, surveying, planning, supervision, testing, or observation of construction or improvement to real property; may include records of retention releases, retention withheld, change orders, etc.	CCP 337.15	10 years after termination/completion
Correspondence	General correspondence regarding Agency business that is necessary and convenient to the discharge of Agency’s duties; may include letters, email, text messages, posts/comments on Agency-owned social media accounts.	GC 34090	2 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Credit Cards, Agency-owned	Credit card bills or statements and related receipts.	26 CFR 31.6001-1(e)(2)	Until audited + 4 years
	Other records related to use of Agency-owned credit cards (policies, correspondence, etc.)	GC 34090	Current + 2 years
Deeds, Real Property (Grant Deeds)	File with recorded documents; originals may not be destroyed.	GC 34090	Permanent
Deferred Compensation Reports	Finance - pension/retirement funds	29 CFR 516.5 29 CFR 1627.3	3 years
Demographic/ Statistical Data		GC 34090	Current + 2 years
Development Agreements	Agreements for development of real property; Development and Disposition Agreements (DDAs); May include infrastructure contracts (i.e., architects, treatment plants, utility lines, etc.), franchises, etc.	CCP 337, 337.1, CCP 337.15 GC 34090 48 CFR 4.703	Permanent (Sec. of State Guidelines recommends retaining paper original for minimum 7 years)
Development Conditions	Mitigation measures; filed with project files	GC 34090	For the life of the project
Development, General Subject Files	Internal working files including correspondence	GC 34090	2 years
Development Logs	Logs, registers or similar records listing permits, certificates of occupancy issued, may include inspection, building activity, daily, plan check, utility	GC 34090(a) GC 4003, GC 4004 H&S 19850 - 19853	5 years
Development, Photographs	Aerial Photographs	GC 30490	Current + 2 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Development, Reports	Activity, Periodic	GC 34090	2 years
Development, Surveys	Recording data and maps	GC 34090	Permanent
DMV Drivers' Records Reports (DMV Pull-Notice System)	Motor Vehicle Pulls; Personnel record	GC 34090 VC 1808.1(c)	Until superseded (should receive new report every 12 months)
Drawings, Project Plan	Does not include those usually filed with case or project.	GC 34090	2 years
Easements, Real Property	File with recorded documents; originals may not be destroyed.	GC 34090	Permanent
EEOC Records (Equal Employment Opportunity Commission)	Records, reports showing compliance with federal equal employment requirements (EEO-4 Reports, etc.)	29 CFR 1602.30	3 years
Employee Benefits	Benefit plans (including "cafeteria" and other plans); health insurance programs; records regarding COBRA – extension of benefits for separated employees, insurance policies (health, vision, dental, deferred compensation, etc.)	29 USC 1027 28 CCR 1300.85.1 11 CCR 560 29 CFR 1627.3(b)(2)	For life of plan/policy + 6 years
Employee Files	Personnel files	GC 12946 29 CFR 1627.3	While current + 3 years
Employee Information, General	Name, address, date of birth, occupation, rate of pay and weekly compensation earned	GC 12946 29 CFR 1627.3 LC 1174	3 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Employee Information - CEIR	Personnel--California Employer Information Report (for employers of 100 or more employees)	2 CCR 11013 (c)(1) GC 12946	Received + 2 years
Employee Information - Applicant Identification Records	Personnel--Data regarding race, gender, national origin of applicants	2 CCR 11013 (c)(2)	Received + 2 years
Employee, Medical & Exposure Records (toxic substances or harmful physical agents)	Includes medical records made or maintained by a physician, nurse, or other health care personnel, or technician pertaining to employees exposed to toxic substances or harmful physical agents. Does <u>not</u> include first-aid records of one-time treatment made on-site by a non-physician or observation of minor scratches, cuts, burns, splinters, etc., which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job. (For employees of less than 1 year, no need to retain medical records regarding exposure to toxic substances/harmful physical agents if they are returned to employee upon termination)	29 CFR 1910.1020(d)(1)(i)(ii) 8 CCR 3204 (d)(1)(A)(B)	Length of employment + 30 years

Legal Authority Abbreviations

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RECORDS RETENTION SCHEDULE FOR SAN DIEGO COMMUNITY POWER

Destruction of any SDCP record must have the Board of Directors approval and written consent from the General Counsel, unless otherwise provided by law. (Gov. Code § 34090.)

Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Employee, Medical Records (routine)	Maintained separate from other medical records -- Health insurance claims; Records of one-time first aid treatment for minor injuries (burns, splinters, etc), not involving medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, if made on-site by a non-physician	GC 12946, 34090 29 CFR 1627.3	Length of employment + 3 years
Employee, Noise Exposure	Noise exposure measurement records Employee audiometric test records	8 CCR 5100 8 CCR 5100	Current + 2 years Length of employment
Employee	Employee records may include release authorizations; certifications; reassignments; outside employment; commendations, disciplinary actions; terminations; oaths of office; pre-employment medical evaluations; fingerprints; identification cards (ID's)	29 CFR 1627.3 LC 1174 GC 12946 GC 34090	Length of employment + 3 years
Employee Programs	May include Employee Assistance Program (EAP), Employee Recognition program, etc.	GC 34090 GC 12946	2 years
Employee, Recruitment	Alternate lists/logs, ethnicity disclosures, examination materials, examination answer sheets, job bulletins	GC 12946 GC 34090 29 CFR 1602.31 29 CFR 1627.3	2 years
Employee, Reports	Employee statistics, benefit activity, liability loss	GC 34090	2 years
Employment Agreements – At-Will Employees; Temporary Employees	Original agreements/contracts for at-will employees or temporary employees	CCP 337 CCP 343	Length of employment + 4 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Employment Applications - Not Hired	Applications submitted for existing or anticipated job openings, including any records pertaining to failure or refusal to hire applicant	GC 34090 GC 12946 29 CFR 1627.3(b)(1)(i)	2 years
Employment Eligibility Verification (I-9 Forms)	Federal Immigration and Nationality Act; Immigration Reform/Control Act 1986	8 USC 1324a (b)(3) Pub. Law 99-603	3 years after date of hire, or 1 year after date of termination, whichever is later
Employment - Public Safety certifications	Certification/designations	GC 34090	Length of employment + 2 years
Employment - Surveys and Studies	Includes classification, wage rates	GC 12946 GC 34090 29 CFR 516.6	2 years
Employment - Training Records, Non-Safety	Paperwork documenting internal and external training for non-safety employees; includes any volunteer program training - class training materials, internships	GC 34090 GC 12946	Length of employment + 2 years
Employment - Vehicle Mileage Reimbursement Rates	Annual mileage reimbursement rates	GC 34090	Until superseded + 2 years
Engineering Capital Improvement Projects	Supporting documentation including bidders list, specifications, reports, plans, work orders, schedules, etc.	GC 34090, CCP 337.15	Project completion + 10 years
Enterprise Systems Catalog	Catalog of software applications, computer systems used by the Agency.	GC 6270.5	Must be posted on Agency website and updated annually
Environmental Quality Air Quality (AQMD)	Participants/voucher logs, Total Daily Mileage Survey (TDM); various local authorities	CCP 338(k); GC 34090	3 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Environmental Quality Asbestos	Documents, abatement projects, public buildings	GC 34090	Permanent
Environmental Quality California Environmental Quality Act (CEQA)	Exemptions, Environmental Impact Report, Mitigation monitoring, negative declaration, notices of completion and determination, comments, statements of overriding considerations,	GC 34090 CEQA Guidelines	Permanent
Environmental Quality Congestion Management	Ride sharing, trip management	GC 34090	Completion + 2 years
Environmental Quality Environmental Review	Evidence, correspondence, consultants, issues, conservation, any other substantive materials related to CEQA compliance or project, including staff notes, memoranda, and e-mails relating to the Project or CEQA compliance	GC 34090; Pub. Res. Code 21167.6(e)(7), (10); <i>Golden Door Properties v. Superior Court</i> (2020) 53 Cal.App.5th 733	Completion + 2 years
Environmental Quality Pest Control	Pesticide applications, inspections and sampling, documents	GC 34090	Completion + 2 years
Environmental Quality Soil	Analysis, construction recommendations	GC 34090	Completion + 2 years
Environmental Quality Soil Reports	Final Reports	GC 34090	Permanent

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
ERISA Records (Employee Retirement Security Act)	Employee Retirement Income Security Act of 1974 - Plan reports, certified information filed; records of benefits due	29 USC 1027 29 USC 1059	6 years
Ethics Training Records (AB 1234; effective 1/1/06)	Records required to be kept under Gov. Code section 53235.2. Records must show dates that local officials satisfied the training requirements and the entity that provided the training	GC 53235.2	5 years after receipt of training
Events Planning, Community	Review for historic significance	GC 34090	2 years
Family and Medical Leave Act (federal)	Records of leave taken, Agency policies relating to leave, notices, communications relating to taking leave	29 CFR 825.500 GC 12946	3 years (federal) 2 years (State)
Federal Tax Records	May include Forms 1095-C, 1096, 1099, W-4 and W-2	26 CFR 31.6001-1(e) 29 CFR 516.5-516.6	Current + 4 years
Fixed Assets Inventory	Reflects purchase date, cost, account number	GC 34090	Until audited + 2 years
Fixed Assets Surplus Property	Auction; disposal – Listing of property; sealed bid sales of equipment	GC 34090 CCP 337	Until audited + 4 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Fixed Assets Vehicle Ownership & Title	Title transfers when vehicle is sold	VC 9900 et. seq.	Until sold + 2 years
Forms	Administrative - blank		Until Superseded
Fund Transfers	Internal; bank transfers & wires	GC 34090	Until audited + 2 years
General Ledgers	All annual financial summaries--all agencies	GC 34090 CCP 337	Until audited + 4 years Published articles show 4 – 7 years retention as typical Sec. of State Guidelines recommends permanent retention
Gift to Agency Report (FPPC Form 801)	FPPC form showing payment or donation made to the Agency or to an Agency official and which can be accepted as being made to the Agency	2 CCR 18944(c)(3)(F), (G); FPPC Fact Sheet : “Gifts to an Agency – Part 2”	Originals – 7 years; Copy must be posted on Agency website
Gifts/Bequests	Finance - to the Agency (kept with cash receipts)	GC 34090	2 years
Grants Community Development Block Grant (CDBG); Urban Development; other Federal and State grants	Grant documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub-recipient docket, environmental review, inventory, consolidated plan, etc.	GC 34090 24 CFR 570.502 24 CFR 85.42	Until completed + 4 years
Grants - Unsuccessful	Applications not entitled	GC 34090	2 years

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Hazardous Materials & Hazardous Waste Disposal Records	Examples of hazardous materials/hazardous waste: medical waste; used oil; pesticides	H&S 117945 H&S 118165 22 CCR 66279.91 3 CCR 6624(g)	3 years
Hazardous Materials - Permits, Hazardous Materials Storage		GC 34090	While current + 2 years [Permanent retention of documents regarding environmentally sensitive materials is recommended]
Hazardous Materials - Programs, Household Hazardous Waste	Documents regarding federal, State or local programs on disposal of household hazardous waste	GC 34090	Until superseded + 2 years
Hazardous Materials - Exposure Records, etc.	Employee exposure records; name/identity of chemical substance used; when & where chemical substance was used	8 CCR 3204(d) et. seq.	Length of employment + 30 years
Hazardous Materials - Underground Storage Tank Compliance	Documents regarding: storage, location, installation, removal, remediation	GC 34090	Permanent
Hazardous Materials - Underground Storage Tank Maintenance and Repair	Documents regarding: repairs, lining and upgrades	23 CCR 2660(j), 2712	For the life of the tank
Insurance	Personnel related	GC 34090	While current, + 4 years
Insurance Certificates, Agency	Liability, performance bonds, employee bonds, property; Insurance certificates filed separately from contracts, includes insurance filed by licensees.	GC 34090	While current + 4 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Insurance, Liability/Property	May include liability, property, Certificates of Participation, deferred, use of facilities	GC 34090	While current + 4 years
Insurance, Risk Management Reports	Federal OSHA Forms; Loss Analysis Report; Safety Reports; Actuarial Studies	29 CFR 1904.44 GC 34090	5 years (Federal) 2 years (State)
Investment Reports, Transactions	Summary of transactions, inventory and earnings report	GC 34090 CCP 337	Until audited + 4 years
Invoices	Invoices from vendors and back-up documents	CCP 337 26 CFR 31.6001-1(e)(2); Sec. of State Local Gov't Records Mgmt. Guidelines recommendation	Until audited + 4 years
Job Descriptions	Descriptions of duties, qualifications, responsibilities for each position/classification/job title	29 CFR 1627.3	While current + 3 years
Labor Organizations	Records of payments, loans, promises or agreements by Agency to any labor organization or representative of same	29 USC 436	5 years
Lease Agreement	Property or equipment	CCP 337 CCP 337.2 CCP 343	Until terminated + 4 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Legal Notices / Affidavits of Publication or Posting	Examples: Notices of public hearings, notices to member agencies, notices of liens, etc. Also proof of publication of notice, or proof of posting of notice	GC 34090	Current + 2 years, unless part of a project or matter that requires longer retention (e.g., CEQA documents)
Legal Opinions	Confidential – not for public disclosure (attorney-client privilege)	GC 34090	Until superseded + 2 years
Legislative Support/Opposition, Requests & Responses	Related to legislation.	GC 34090	2 years
Litigation	Case files	GC 34090	Until settled + 2 years
Lobbying or Lobbyist Forms (FPPC forms)	FPPC Form 602 – Lobbying Firm Activity Authorization; FPPC Form 635 – Report of Lobbyist Employer & Report of Lobbying Coalition – forms used when employing or contracting with a lobbying firm	FPPC Reg. 18615(d)	5 years
Local Appointments List (“Maddy List”)	List of all regular and ongoing boards, commissions, and committees appointed by the Board of Directors – pursuant to the Maddy Local Appointive List Act	GC 54970, et seq. GC 34090	Until superseded (new list prepared each Dec. 31 st)
Maintenance Manuals	Equipment service/maintenance	GC 34090	Until superseded
Maintenance/Repair Records	Equipment	GC 34090	2 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Maps & Plats	Engineering & field notes and profiles; cross section of roads, streets, right-of-way, bridges; may include annexations, parks, tracts, block, storm drains, water easements, bench marks, trees, grading, landfill, fire hydrants, base maps, etc.	GC 34090	Permanent
Marketing, Promotional	Brochures, announcements, etc.	GC 34090	2 years
Master/Strategic Plans	Special or long range program plan for Agency – coordination of services; strategic planning	GC 34090	Current + 2 years
Memoranda of Understanding (MOU)	Personnel related; agreements with employee bargaining units resulting from negotiations	GC 34090; 29 USC 211(c) 29 CFR 516.5 Sec. of State Local Gov't. Records Mgmt. Guidelines	Current + 3 years Sec. of State recommends permanent retention
Minutes	Board/committees	GC 34090(e)	Permanent
Newsletter, Agency	May wish to retain permanently for historic reference.	GC 34090	2 years
Notices – Public Meetings	Special Meetings	GC 34090	2 years
Oaths of Office	Elected and public officials (i.e., Board members; commissioners; etc.)	GC 34090 29 USC 1113 Sec. of State Guidelines	Current + 6 years
Offers of Dedication		GC 34090	Until Completed

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Ordinances	Ordinances adopted by Board of Directors	GC 34090(e)	Permanent
OSHA	OSHA 300 Log, privacy case list, OSHA 300A annual summary, OSHA 301 incident report forms	LC 6410; 8 CCR 14300.33 29 CFR 1904.33	5 years
OSHA (Accident/Illness Reports)	Personnel - Employee Exposure Records & Employee Medical Records regarding exposure to toxic substances	LC 6410; 8 CCR 14300.33; 8 CCR 3204(d)(1)(A)	Duration of employment plus 30 years
Payroll - Federal/State Reports	Annual W-2's, W-4's, Form 1099s, etc.; quarterly and year-end reports	29 USC 436 26 CFR 31.6001-4 R&TC 19530 R&TC 19704 26 USC 6001 26 CFR 301.6501(a)-1 26 CFR 31.6001-1(e) 29 CFR 516.5 – 516.6	6 years
Payroll Deduction/Authorizations	Finance	29 CFR 516.6(c)	Current + 2 years
Payroll records (employee information)	Records showing employee information/data – names, addresses, etc.; hours worked; regular and overtime wages, etc.	29 CFR 516.5 LC 1174(d), 1197.5	Length of employment + 3 years

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Payroll, registers	Finance Labor costs by employee & program	29 CFR 516.5(a) LC 1174(d)	3 years (Sec. of State Guidelines – recommended permanent retention)
Payroll, time cards/sheets	Employee	29 CFR 516.6(a)(1) LC 1174(d)	2 years (Sec. of State guidelines – recommends retention: until audited + 6 years)
Payroll - Wage Rates / Job Classifications	Employee records	LC 1197.5(d) LC 1174(d) GC 34090 GC 12946 29 CFR 516.6 29 CFR 1602.4 29 CFR 1627.3	While current + 3 years
Permits, Construction	Other than building permits - For signs, grading, encroachment, including copies of blueprints and specifications	GC 34090	Until completed + 2 years
Personnel Policies -- Rules and Regulations	Including employee handbooks, employee manuals, and other policies/procedures	29 CFR 516.6 29 CFR 1627.3(a)	Current + 3 years
Personnel Records	Payroll or other records containing name, address, date of birth, occupation, rate of pay, etc., including records relating to promotion, demotion, transfer, lay-off, termination	29 CFR 1627.3	3 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Petitions	Submitted to legislative bodies	GC 34090	Current + 2 years
Policies, Administrative	All policies and procedures, directives rendered by Board not assigned a resolution or ordinance number	GC 34090	Until Superseded + 2 years
Policies, Board of Directors	Original policies adopted by the Board of Directors.	GC 34090	Until Superseded
Press Releases	Agency related.	GC 34090	2 years
Procedure Manuals	Administrative	GC 34090	Until superseded + 2 years
Proclamations	Agency issued proclamations	GC 34090	2 years; if done by Board of Directors Resolution, then permanent retention
Project Facilities Construction	Contains records of plans, design, construction, conversion or modification of local government-owned facilities, structures and systems	GC 34090 H&S 19850	For the life of the project
Project Facilities Facility Rentals; Use	Permits, contracts, diagrams, schedules, insurance binders	GC 34090	Current + 2 years
Project Facilities Maintenance and Operations	Service requests, invoices supporting documentation, buildings, equipment, field engineering, public facilities including work orders and graffiti removal	GC 34090	2 years
Property, Abandonment	Buildings, condemnation, demolition	GC 34090	Permanent
Property Acquisition/Disposition	Agency owned. Supporting documents regarding sale, purchase, exchange, lease or rental of property by Agency	CCP 337.15	10 years

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Public Records Act Request	Requests from the public to inspect or copy public documents	GC 34090	2 years
Purchasing RFQs, RFPs	Requests for Qualifications; Requests for Proposals regarding goods and services	GC 34090	Current + 2 years
Purchasing, Requisitions, Purchase Orders	Original Documents	GC 34090 CCP 337	Until audited + 4 years
Rates and Fees, Schedules/Studies	Approved by the Board of Directors	GC 34090	Current + 3 years
Recordings - audio (e.g., for preparation of meeting minutes)	Board/committee meetings -- audio recording "made for whatever purpose by or at the direction of the local agency"	GC 34090; 54953.5(b)	Minimum 30 days
Recordings - routine video monitoring, telephone, and radio communications	Routine daily recording of telephone & radio communications; routine video monitoring including in-car video systems, building security systems.	GC 34090, 34090.6	Videos - 1 year; Phone & Radio communications - 100 days (destruction must be approved by Board of Directors & Agency Attorney)
Recordings, video or digitally recorded – meetings of legislative bodies	Videos or digital recordings of public meetings made by or at the direction of the Agency (e.g., Board/committee Agency meetings)	GC 54953.5(b)	Minimum 30 days
Recordings, video or digitally recorded (Duplicate – see Description or Example of Record)	Other than videos or digital recordings of public meetings; Considered duplicate records if another record of the same event is kept (i.e., written minutes)	GC 34090, 34090.7 85 Ops. Cal. Atty. Gen. 256 (2002)	Minimum 90 days after event is recorded
Records Management Disposition Certification	Documentation of final disposition of records	GC 34090	Permanent

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Records Retention Schedules		GC 34090	Current + 2 years
Recruitments and Selection	Records relating to hiring, promotion, selection for training	29 CFR 1627.3	3 years
Regulatory Filings	Final filings submitted by or on behalf of Agency to CPUC, other state or federal agencies or regulatory bodies, etc.	GC 34090	Permanent
Release Forms/Waivers	Releases/waiver signed by visitors, volunteers, etc.	GC 34090	2 years
Resolutions	Resolutions adopted by the Board of Directors	GC 34090(e)	Permanent
Returned Checks	Finance-NSF (not Agency checks)	GC 34090	2 years after audit
Salary/Compensation Studies, Surveys	Studies or surveys of other agencies regarding wages, salaries and other compensation or benefits	GC 34090	While current + 2 years
Settlement Agreements	Final, signed/approved settlement agreements for litigation matters, claims, citations, etc.	GC 34090	2 years after signed/approved
	For Workers Compensation claims – final, signed/approved settlement agreements	8 CCR 10102 8 CCR 15400.2	5 years after signed/approved
State Controller	Annual reports filed by Agency	GC 34090	2 years
Statements of Economic Interest - Form 700 (copies) (elected officials)	<u>Copies</u> of original statements of elected officials forwarded to Fair Political Practices Commission (FPPC)	GC 81009(f), (g)	4 years (can image after 2 years)

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Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Statements of Economic Interest - Form 700 (originals) (non-elected)	<u>Originals</u> of statements of designated employees	GC 81009(e), (g)	7 years (can image after 2 years)
Stop Payments	Finance - bank statements	GC 34090	2 years
Studies, Various Agency		GC 34090	While current + 2 years
Subpoenas (Subpoena Duces Tecum; Deposition Subpoena, etc.)	Subpoena served on the Agency or on an Agency employee by a third party (Agency/Employee is not a party in the litigation), including copies of any records produced in response to the subpoena	GC 34090	2 years
Unemployment Insurance Records	Records relating to unemployment insurance – claims, payments, correspondence, etc.	26 USC 3301-3311; Calif. Unemployment Insurance Code; CCP 343	While current + 4 years
Utility Services - Applications	Applications for utility connections, disconnects, opt-out requests, registers, service	GC 34090; Sec. of State Guidelines recommendation	Current + 2 years
Utility Services - Billing Records	Customer name, service address, meter reading, usage, payments, applications/cancellations	GC 34090; CCP 337	Until audited + 4 years
Utility Services - Customer Data Requests	Cost comparisons, bill analyses, usage history, billing history, rate comparisons, customer service emails	GC 34090	Customer request + 2 years

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unless otherwise provided by law. (Gov. Code § 34090.)

Category of Record	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Utility Services - Journals, Utility Billing	Billing including monthly activity	GC 34090; CCP 337	Current + 4 years
Utility Services - Connection Records	Maps	GC 34090; Sec. of State Guidelines recommendation	Permanent
Utility Services - Meter Reading; Reports		GC 34090; Sec. of State Guidelines recommendation	Current + 2 years
Utility Services - Utility Rebates, Reports		GC 34090	Current + 2 years
Vouchers - Payments	Account postings with supporting documents	GC 34090 CCP 337	Until audited + 4 years
Wage Garnishment	Wage or salary garnishment	CCP 337	Active until garnishment is satisfied; then retain until audited + 4 years
Workers Compensation Files	Work-injury claims (including denied claims); claim files, reports, etc.	8 CCR 10102 8 CCR 15400.2	Until settled + 5 years

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC	Penal Code (California)
CCR	California Code of Regulations	R&TC	Revenue & Taxation Code (California)	H&S	Health & Safety Code (California)
CFR	Code of Federal Regulations	USC	United States Code		
EC	Elections Code (California)	LC	Labor Code (California)		