

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.



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]