

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

APPROVE RESOLUTION NUMBER 2009-29 AMENDING THE RECORDS RETENTION SCHEDULE FOR THE TOWN OF APPLE VALLEY, AUTHORIZING APPROPRIATE DOCUMENT DESTRUCTION AND RESCINDING RESOLUTION NUMBER 2007-57

Summary Statement:

In conjunction with the Town's Records Management Program, the Town Council previously adopted Resolution Number 2007-57, which established a records retention schedule for all Town departments. The Town Clerk's Office, with the assistance of the Town Attorney and department heads, have monitored this schedule and based on a thorough review of the current scheduled have established a new retention schedule to include additional documents that are retained and or scanned by the Town. The resolution and revised retention schedule is attached for your review and consideration. In addition, the retention schedule has been modified to include electronic records.

Unless records retention periods are provided by law or the records are required to be kept by statute, destruction or disposition of records will be authorized in accordance with the proposed schedule, subject to approval by each department head and written consent by the Town Attorney.

Government Code Section 34090 does not authorize the destruction of the following records:

- Records affecting the title to real property or liens;
- Court records;
- Records required to be kept by statute;
- Records less than two (2) years old;
- Minutes, ordinances, resolutions of the legislative body or a Town board or commission.

Recommended Action:

That the Town Council approve and adopt Resolution Number 2009-29, amending the Records Retention Schedule for the Town of Apple Valley, authorizing appropriate destruction of records if consistent with the Records Retention Schedule and Rescinding Resolution Number 2007-57.

Proposed by: _____

Item Number _____

T. M. Approval: _____

Budgeted Item Yes No N/A

RESOLUTION NO. 2009-29

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE RECORDS RETENTION SCHEDULE FOR THE TOWN OF APPLE VALLEY, AUTHORIZING APPROPRIATE DESTRUCTION OF RECORDS IF CONSISTENT WITH THE RECORDS RETENTION SCHEDULE AND RESCINDING RESOLUTION NUMBER 2007-57

WHEREAS, it is the Town's desire to destroy unneeded records where no law prohibits its destruction; and

WHEREAS, Section 34090 of the Government Code of the State of California provides a procedure whereby any Town record which has served its purpose and is no longer required may be destroyed as soon as practicable unless a government official or governing body of a public agency has requested it be preserved or if it is considered evidence in an on-going investigation or proceeding; and

WHEREAS, the Town has an approved Records Retention Schedule covering all records of the Town, which are necessary to be retained; and

WHEREAS, the Town has evaluated the current retention schedule and deems that amendments be made regarding retention timelines and electronic documents; and

WHEREAS, the Town recognizes that this amended retention schedule represents a policy and guideline only. Destruction of records is authorized if in compliance with the adopted Records Retention Schedule approved by the Town Council, and approved in writing by the appropriate Department Head or Town Manager or the Town Attorney. Further approval can be requested by the Town Council if deemed necessary.

NOW THEREFORE, BE IT RESOLVED, THAT THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DOES HEREBY DECLARE AS FOLLOWS:

SECTION 1. That the Records Retention Schedule which reflects all departments in the Town of Apple Valley, which is attached hereto as "Exhibit A" shall serve as the official guideline for retention and destruction of records unless amended or repealed.

SECTION 2. That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley, California, this 14th day of July 2009.

Mayor

ATTEST:

Town Clerk

By: Town Clerk's Office	Date:	By: Town Council Resolution No. 2009-29	Date:
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ADMINISTRATIVE SERVICES/PERSONNEL *Cathy Woody, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Classifications and Appointments	GC34090	2	P	X			Includes supplemental personnel records.
2	Policies and Procedures	GC34090	S + 2			X		Retain while current
3	Support Services	GC34090	CY	2		X		
4	Benefit Plan Claims	GC34091	2	P	X			Includes dependents and employee assistance
5	Employee Handbook	GC34090	S + 2			X		General employee information
6	Employee Programs	GC12946	CY	2		X		Includes recognitions
7	Employee Rights	GC12946	T	2		X		
8	Employee Personnel Records	GC12946 FMLA 1993	T	7		X		Includes release authorization, certifications, reassignments, commendations, disciplinary actions, terminations, evaluations, pre-employment medicals, fingerprints.
9	Recruitment	GC12946	CL	3		X		Applications, resumes, alternate lists/logs, indices, ethnicity disclosures, examination materials, answer sheets, bulletins, etc.
10	Surveys and Studies	GC12946	CY	2		X		Includes classification, wage rates
11	Training Records	GC6250	CY	7		X		Employee applications, volunteer program training, class training materials.

ANIMAL SERVICES/SHELTER <i>Laurie Hernandez, Records Coordinator</i>									
ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION	
			OFFICE	VAULT	ARCHIVE	DESTROY			
			TOTAL						
1	Barking Dog Complaint Forms	GC34090	2	1		X			
2	Bite Reports	GC34090	5	1		X			
3	Citation		5	1		X			
4	Notices of Violations	GC34090	5	1		X			
5	Courtesy Notice		5	1		X			
6	Public Hearing Request		1	1		X			
7	Officer Service Log		5	1		X			
8	Overtime Log		1	1		X			
9	Overtime Detail Report		1	1		X			
10	Investigation Report		5	1		X			
11	Administration Hearing File		5	1		X			
12	Warrants		5	1		X			
13	Case Disposition		5	1		X			
14	Audio Tape		5	1		X			
15	Photographs		5	1		X			
16	Finding and Order		5	1		X			
17	Animal Control Permit		20	1		X			
18	FFA Permit		2	1		X			
19	4-H Permit		2	1		X			
20	Daily Deposit Receipt (Bank Reconciliation)		5	AU		X		Includes licensed receipts	
21	Monthly Renewal Report		1	1		X			
22	Paid Billing – Non Recorded		5	1		X			
23	Accident Report		T			X			
24	Statistics - Month-end reports		5	P	X				
25	Adoption Agreements		3	1		X			
26	Euthanasia Use Log		2	1		X			
27	Controlled Substance Inventory Log		2	1		X			
28	Controlled Substance Use Log		2	1		X			

29	Shelter Statements			2		1		X	
30	Notice of Pendency			T-5		P	X		T = Paid, Recorded w/ Cty.

BUILDING & SAFETY *Claude Stewart, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Building Plans – Residential	HBS 19850 & 19851	CL + 6 MOS	-		X		Residential Plans destroyed 6 mos after building final
2	Building Plans – Commercial	HBS 19850 & 19851	CL	Until Scanned		X		Commercial building plans retained – Town’s Request
3	Building Permits	GC34090	CL	Until Scanned		X		

CODE ENFORCEMENT *Brenda Williams, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Open Complaints	GC34090	CL	2		X		
2	Closed Complaints	GC34090	1	2		X		
3	Parking Citations, PD Files & Complaints	GC34090	1	2		X		Parking Citations (both Police & Code Enforcement)
4	Nuisance Abatement	GC34090	Until settled	2		X		Includes citations (not police) nuisance abatement and liens resulting from nuisance abatement.
5	Case Files	GC34090	2			X		Building, housing & mobile home code violation records incl. inspections; public nuisance rubbish & weed abatement, citations (records on abandoned vehicles -

									generally Police Records)
6	Liens & Releases	GC34090		2		P	X		Utilities, abatement, licenses. P – Only if document is recorded
7	Code Enforcement Logs	GC34090		2				X	Lien recovery
8	Code Enforcement Regulations	GC34090		2				X	Includes rules
9	Reports, Federal and State	GC34090		2		P	X		Code statistics; may contain records affecting title to real property or liens thereon; P only if records affect title/lien

ECONOMIC DEVELOPMENT *Charlene Engeron, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Aerial Photos	GC34090	7	P	X			
2	Project Files	GC34090	CL	4		X		Retail Development Projects VVEDA Files, Village Merchant Association
3	Proposals		5	4		X		Response to industrial development leads, HDREDA files
4	CDBG Project Files	GC34090	CL	6		X		
5	CDBG Proposal Applications	GC34090	5	6		X		Applications for funding
6	Home Investment Partnership (HOME)	24 CFR 570.502 (b)(3);	3	CL+4	X			Residential Rehab Loan Program Project Files
7	Down Payment Assistance Program	24 CFR 570.502 (b)(3);	3	CL+4	X			Down Payment Assistance Program Project Files
8	General Subject Files	GC34090d	5	CL+5		X		Internal Working Files, News Articles, Bus. Asst. Program Event Attendance
9	Home Program/Ineligible Application	GC34090	2			X		Applications
10	Projects Not Completed or Denied	GC34090	2	P				Project files

EMERGENCY PREPAREDNESS *Laura Whitehead, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	FEMA Disaster Recovery Files	GC34090	CL	3		X		FEMA Documents

ENGINEERING *Sharla Carlson, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Police/Traffic Accident Report/Switz	GC34090	3			X		
2	Tract Files/Bonds	GC34090	CL	P	X			
3	CIP	GC34090	CL	P	X			Capital Improvement Project
4.	Projects	GC34090	CL	P	X			Development Projects
5.	<i>Mylars, Tract/Parcel Maps</i>	<i>GC34090</i>	<i>CL</i>	<i>P</i>	<i>X</i>			

FINANCE DEPARTMENT *Tom Brown, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Accounts Payable	GC34090	AU	4		X		Invoices, check copies supporting documents
2	Bank Reconciliation	GC34090	AU	5		X		Statements, summaries for receipts, disbursements, & reconciliation
3	Billing Records	GC34090	AU	2		X		
4	Budget Proposed	GC34090	CY	2		X		As presented to Council

5	Budget Adopted	GC34090		2		P	X			Annual operating budget approved by Legislative Body.
6	Budget adjustments, journal entries	GC34090		AU		4		X		Account Transfers
7	Checks	GC34090		AU		5		X		Payroll, canceled & voided checks
8	Deposits, Receipts	GC34090		AU		4		X		Checks, coins, currency
9	Utility Billing/Sanitation	GC34090		CY		2		X		Billing including monthly activity
10	General Ledger	GC34090		2		P	X			All posted transactions
11	Warrant Register	GC34090.7		AU		2		X		List of checks issued
12	Vehicle Ownership & Title	VC9900		L		3		X		Title Transfers when vehicle sold
13	Business Licenses	GC34090		T		4		X		Paid and Reports
14	Payroll Adjustments	GC34090		AU		4		X		AU purposes
15	Employee Time Sheets	GC34090		AU		5		X		Signed by employee for AU and FEMA reports

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
16	Payroll Register	GC34090	2	P	X			Labor costs by employee & program
17	Salary Records	GC34090	T	4		X		Deduction authorization, beneficiary disignations, unemployment claims, garnishments
18	Store Requisitions	GC34090	CY	2		X		Completed forms for ordering
19	Vendor Register	GC34090	2	P	X			Alpha vendor listing
20	Audit Reports	GC34090	2	P	X			
21	Deferred Compensation Reports	GC34090	T	5		X		Records of employee contributions and city payments
22	Annual Financial Reports	GC34090.7	AU	7		X		Prepared by Outside audits
23	Investments Transactions	GC34090	2	P		P		Summary of transactions, inventory and earnings report
24	State Controller Reports	GC34090	2	P	X			Controller destroys after 5 years
25	Bank Statements	GC34090	2	3		X		Financing authority
26	Bonds	GC34090	CL	10		X		Final bond documentation
27	Payroll Tax Records	GC34090 (29USC436)	AU	4		X		941, 1099, W2's, W3's, etc...

GRANT MANAGEMENT *Jennifer Heim, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Community Development Block Grant and Urban Development	GC34090	5	3		X		Applications, reports, contracts, supporting documents.
2	Federal And State	GC34090	5	3		X		Refer to Grant close-out procedure
3	Financial Records	GC34090	5	3		X		Refer to Grant close-out procedure
4	Unsuccessful – Grant files (Viable)	GC34090	5	10		X		Applications not entitled
5	Unsuccessful – Grant files (Not-Viable)	GC34090	1	0		X		Grants not applied

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INFORMATION SYSTEMS *Edward Vargas-Lara, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Internet, World Wide Web	GC34090	S + 2			X		Management policies and supporting documentation
2	Inventory, Information Systems	GC34090	S + 2			X		Hardware/software inventory logs, systems manuals
3	Inventory, Equipment	GC34090	CY + 2			Y		Warranties, purchase orders
4	Network Information Systems	GC34090	CY		4	X		Configuration maps and plans
5	Program Files and Directories	GC34090	CY + 2 CY + 2			X X		Annual Backup Monthly Backup

MUNICIPAL OPERATIONS *Diane McKeen, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Grant Documents	24CER 570.502	4			X		
2	Annual Diversion Reports	GC34090	4		4	X		Reviews

PARKS AND RECREATION *Christina Rudsell, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION	FINAL ACTION	VITAL	DESCRIPTION
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			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY	
1	Landscape	GC34090	CY	3		X	Drawings, contracts, complaints, specifications, photos, reports
2	Maintenance/Operations	GC34090	CY	2		X	Includes work orders, inspection, repairs, cleaning, reports, complaints
3	Maps	GC34090	3	P	X		
4	Proposed Plans	GC34090	CY	3		X	Future plans, new sites, expansions
5	Accident Reports	GC34090	CL	3		X	Patrons only. For Employee Accident Reports see Risk Management.
6	Report Studies	GC34090	CY	3		X	Future sites, expansions
7	Schedules, Class & Events	GC34090	CY + 2	2		X	Enrollment, liability releases, evaluations, attendance lists, flyers.

PLANNING *MaryAnn Worle, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Annexation Case Files	GC34090	CL+2	P	X			Reports, Agreements, Public Notices
2	Consistency Check	GC34090	3	7		X		
3	Certificate of Compliance	GC34090	CL+3	P		X		Retain during life of structure
4	Conditional Use Permit	GC34090	5	P	X			
5	Commercial Vehicle Parking Permits	GC34090	CL+5	P	X			
6	Development Agreements	GC34090	T + 5	5		X		
7	Development Code Amendment	GC34090	S + 2	3		X		
8	Development Permit	GC34090	CL+5	P	X			
9	Deviation Permit	GC34090	CL+2	P	X			
10	Filming Permit	GC34090	CY + 2			X		
11	General Plan Amendment	GC34090	S + 2	P		X		

12	Home Occupation Permit	GC34090		CR+5		P	X		
13	Interpretations	GC34090		CY + 2		P	X		
14	Lot Line Adjustments/Mergers/Splits	GC34090		2		P	X		
15	Pre-Applications	GC34090		CL + 2				X	
16	Revised Site Plan Review	GC34090		CR+5		P	X		
17	Sign Permits	GC34090		CR+2		P	X		
18	Temporary Sign Permit	GC34090		T + 2				X	
19	Special Event Permits	GC34090		T + 2				X	
20	Temporary Special Event Permits	GC34090		T + 2				X	
21	Special Use Permit	GC34090		CR+5		P	X		
22	Trash Enclosure	GC34090		CY + 2				X	
23	Tentative Parcel Map	GC34090		CY		P	X		
24	Tentative Tract Map	GC34090		CY		P	X		
25	Temporary Use Permit	GC34090		CL+2		P	X		
26	Variance	GC34090		CL+3		P	X		
27	Zone Change	GC34090		CL+3		P	X		
28	Old County Files by APN	GC34090				P	X		

PUBLIC INFORMATION *Kathie Martin, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Liability Waivers	GC34090	CY+2				X	Clean up days, misc. events
2	Historic photos and memorabilia	GC34090	2		P	X		AV Ranchos marketing material; old photos; newspaper clippings; postcards; maps, etc.
3	Bids – Successful	GC34090 CCP 337,337.1	2		2		X	
4	Bids – Unsuccessful	GC34090	2				X	
5	Event Reports	GC34090	CY+2				X	Vendor Lists, evaluations, flyers, budgets, misc.

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PUBLIC SERVICES *Tina Kuhns, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Bids (Successful)	GC34090	2	8		X		
2	Bids (Unsuccessful)	GC60202	2			X		
3	Project Files/Maps/Conditions	GC34090	CL + 3	2		X		
4	Assessment District Formation Files	GC34090	2	8		X		
5	Pump Station Log Sheets	GC34090	3			X		
6	Employee Log Sheets	GC34090	2			X		
7	Equipment Maintenance Records	GC34090	2			X		
8	Outside Sewer Area Verifications w/DIF	GC34090	1	P	X			
9	Outside Sewer Area Verifications no DIF	GC34090	1			X		
10	Sewer Permits	GC34090	1	1		X		Destroy after scanning
11	Lift Stations	GC34090	2	P	X			
12	Odor Complaints	GC34090	2			X		
13	Street light repair requests	GC34090	1			X		
13	VictorValley WasteWater Reclamation Authority (VWRA)	GC34090	2	1		X		Flow studies/monitoring, fee increases, misc. memos

RISK MANAGEMENT *Town Clerk's Office, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE TOTAL	VAULT	ARCHIVE	DESTROY		
1	Claims Against the Town	GC34090	CL	2		X		Paid/Denied
2	Potential Claims		CY+1	P	X			Documentation suggesting the threat of litigation.
3	Reports		CY +1	P	X			CJIPA Reports older than two years-Underwriting Reports, Workers Compensation Retrospective Deposit Reports

4	Risk Management Reports	GC34090	CL	5	X	Reports/Studies
5	Worker's Compensation	8 CCR10102 8CCR 15400.2	CL	5	X	Work-injury claims including denied claims; claim files, reports, etc.
6	Insurance Documentation	GC34090	S+1	P	X	Personnel related
7	Insurance, Joint Powers Agreement	GC34090	CY+2	P	X	Accreditation, MOU, Agreements and Agendas
8	Insurance Certificates, Town	GC34090	S+1	P	X	Liability, performance bonds, employee bonds, property; Insurance Certificates filed separately from contracts, includes insurance filed by licenses
9	Insurance, Liability/Property	GC34090	S+1	P	X	May include liability, property, Certificates of Participation, deferred, use of facilities
10	Insurance, Risk Management Reports	29 CFR1904.44, GC34090	5-Fed 2-State		X	Federal OSHA Forms; Loss Analysis Report; Safety Reports; Actuarial Studies
11	Loss Run Reports		CY +1	P	X	Carl Warren & Associates Reports older than one year.
12	Accidents/Damage to Town Property	GC34090 CCP 337.15	10		X	Risk Management administration
13	Accident/Illness Reports – Employee	GC6254© 8 CCR 3204(d)(I)(A) (B)	T	30	X	Not a public record – 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: health insurance claims; first aid records of one-time treatments for minor injuries; records of

									employees who worked less than one year if records are given to employee upon termination.
14	Summons/Subpoenas	GC34090		CL		P		X	

TOWN CLERK *Yvonne Rivera, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE	VAULT	ARCHIVE	DESTROY		
1	Agenda Packets	GC34090	2	P	X			
2	Agreements/Contracts	GC34090	T	P	X			
3	Boards/Committees/Commissions Applications – Unsuccessful	GC34090	2			X		
4	Boards/Committees/Commissions Applications – Successful	GC34090	T	5		X		
5	Deeds	GC34090	2	P	X			
6	Town Attorney Opinions	GC34090	2	Until Scanned		X		
7	Minutes	GC34090	2	P	X			
8	Resolutions	GC34090	2	P	X			
9	Ordinances	GC34090	2	P	X			
10	Audio Tapes	GC54953.5	30 days			X		
11	Insurance Certificates	GC34090	2	10		X		
12	Records Requests	GC34090	3	2		X		
13	Legal Notices	GC34090	3	5		X		
14	Legal Notices – Ordinances	GC34090	3	10		X		

TOWN CLERK – ELECTION MATERIALS *Yvonne Rivera, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE	VAULT	ARCHIVE	DESTROY		

		TOTAL					
1	Rosters and Indices	EC17300 after election date	2	4		X	
2	Initiative/Referendum/Recall	EC17200 After certification of election results	2			X	
3	Nomination Papers (Successful)	EC17100	2	4T		X	
4	Nomination Papers (Unsuccessful)		2	4T		X	From office that they were seeking
5	Elections Not Managed by County		2	5		X	Ballots, Tally Sheets, Assisted Voter Lists, Index, Challenge Lists. Absentee Envelopes.

TOWN CLERK – FPPC *Yvonne Rivera, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION		VITAL	DESCRIPTION
			OFFICE	VAULT	ARCHIVE	DESTROY		
			TOTAL					
1	Statements of Economic Interest – Office Holder	GC81009	T + 2	8		X		700
2	Statements of Economic Interest – Designated Employee	GC81009	T + 2	5		X		700
3	Campaign Statements (Successful)	GC81009	T + 2	P	X			460
4	Campaign Statements (Unsuccessful)	GC81009	2	3		X		460

ELECTRONIC MAIL USAGE AND RECORDS RETENTION

This section deals strictly with Electronic Mail as related to the Records Retention Schedule. Email messages are usually temporary communications which are non-vital and should be discarded on a routine basis. However, depending on the content of the e-mail, it may be considered public record. Employees have the same responsibilities for e-mail messages as they do for any other public record, and must distinguish between records and non-record information. The information created or transmitted on any Town computer resource may be subject to public disclosure under the California Public Records Act or in connection with litigation.

Definition of Electronic Public Records

The definition of electronic public records includes any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the Town. Excluded from the definition of electronic public records are preliminary drafts, notes, or interagency or intra-agency memorandums that are not retained by the Town in the ordinary course of business. It is strongly recommended that e-mails that are personal correspondence, interdepartmental and/or intradepartmental be routinely deleted.

Retention of Electronic Mail

Electronic Mail generates correspondence and other documentation which may be recognized as official Town of Apple Valley records that need to be protected/retained in accordance with the California Public Records Act and as evidence in connection with litigation. The e-mail system is intended as medium of communication. Although there will be circumstances where electronic mail will be kept on the system, the system should not be used as an on-going practice for storage or maintenance of documentation.

Electronic Mail messages sent and received, including any attachments that are considered Town records are to be stored in computer files or printed as a hard copy and filed in accordance with the departments Record Retention Policy. In most cases, the sender of the e-mail should be the person responsible for storing or printing and filing the message accordingly. If a hard copy of the information is printed and filed, there is no need to retain the electronic copy of the document.

Please note that it is the responsibility of the employee and their department head to determine if an electronic mail document is an official Town record that should be retained as part of the Records Retention Policy. Again, employees are encouraged to delete documents that are not required to be kept by law or whose preservation is not necessary for the conduct of Town business.

Periodically, the Town Clerk's Office receives requests for inspection or production of documents pursuant to the California Public Records Act, as well as demands by subpoena or court order for the production of evidence in connection with litigation. In the event of such a request, the applicable Department Head shall require all employees to make available relevant e-mail files. It will be the responsibility of the department to provide a hard copy of the electronic files to the Town Clerk's Office with the request.

Official Electronic File documents must be kept for the minimum retention period identified in the Town of Apple Valley Records Retention Schedule which is two (2) years. Such records may not be destroyed except after approval of the Town Attorney and the Town Council in accordance with the Government Code.

GOVERNMENT CODE SECTIONS

6250 In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

12946 It shall be an unlawful practice for employers, labor organizations, and employment agencies subject to the provisions of this part to fail to maintain and preserve any and all applications, personnel, membership, or employment referral records and files for a minimum period of two years after the records and files are initially created or received, or for employers to fail to retain personnel files of applicants or terminated employees for a minimum period of two years after the date of the employment action taken. For the purposes of this section, the State Personnel Board is exempt from the two-year retention requirement and shall instead, maintain the records and files for a period of one year. Upon notice that a verified complaint against it has been filed under this part, any such employer, labor organization, or employment agency shall maintain and preserve any and all records and files until the complaint is fully and finally disposed of and all appeals or related proceedings terminated. The commission shall adopt suitable rules, regulations, and standards to carry out the purposes of this section.

34090 Unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the city attorney the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required.

This section does not authorize the destruction of:

- (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 legislative body or of a city board or commission.

This section shall not be construed as limiting or qualifying in any manner the authority provided in Section 34090.5 for the destruction of records, documents, instruments, books and papers in accordance with the procedure therein prescribed.

34090.5. Notwithstanding the provisions of Section 34090, the city officer having custody of public records, documents, instruments, books, and papers, may, without the approval of the legislative body or the written consent of the city attorney, cause to be destroyed any or all of the records, documents, instruments, books, and papers, if all of the following conditions are complied with:

- (a) The record, paper, or document is photographed, micro photographed, 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 Section 12168.7 for recording of permanent records or nonpermanent records.
- (b) The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one which accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document images.
- (c) The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are made as accessible for public reference as the original records were.
- (d) A true copy of archival quality of the film, optical disk, or any other medium reproductions shall be kept in a safe and separate place for security purposes. However, no page of any record, paper, or document shall be destroyed if any page cannot be reproduced on film with full legibility. Every unreproducible page shall be permanently preserved in a manner that will afford easy reference. For the purposes of this section, every reproduction shall be deemed to be an original record and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy, as the case may be, of the original.

- 34090.6 (a) Notwithstanding the provisions of Section 34090, the head of a department of a city, county, or city and county, public safety communications center, or the head of a special district, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department or the special district. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.
- (b) For purposes of this section, "recordings of telephone and radio communications" means the routine daily taping and recording of telephone communications to and from a city, county, city and county, or special district, department, and all radio communications relating to the operations of the departments or special districts.
 - (c) For purposes of this section, "routine video monitoring" means videotaping by a video or electronic imaging system designed to record the regular and ongoing operations of the departments or districts described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security taping systems.

34090.7. Notwithstanding the provisions of Section 34090, the legislative body of a city or county may prescribe a procedure whereby duplicates of city or county records less than two years old may be destroyed if they are no longer required. For purposes of this section, video recording media, such as videotapes and films, and including recordings of "routine video monitoring" pursuant to Section 34090.6, shall be considered duplicate records if the city or county keeps another record, such as written minutes or an audiotape recording, of the event that is recorded in the video medium. However, a video recording medium shall not be destroyed or erased pursuant to this section for a period of at least 90 days after occurrence of the event recorded thereon.

- 54953.5 (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

- (b) Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the local agency.

81009 (a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, shall be retained by filing officers indefinitely.

- (b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely, except that original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices shall be retained by filing officers for a period of not less than five years.
- (c) Original campaign statements of all other persons shall be retained by filing officers for a period of not less than seven years.
- (d) Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely.
- (e) Original reports and statements not specified above in this section shall be retained by filing officers for a period of not less than seven years.
- (f) Copies of reports or statements shall be retained by the officer with whom they are filed for a period of not less than four years, provided, however, that a filing officer is not required to retain more than one copy of a report or statement.
- (g) After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on microfilm or other space-saving materials available for public inspection instead of the original report or statement or copy.

CALIFORNIA VEHICLE CODE

9900. No transfer of the title or any interest in or to an undocumented vessel numbered under this code shall pass, and any attempted transfer shall not be effective, until the parties thereto have paid any delinquent property taxes with respect to that vessel and fulfilled either of the following requirements:

- (a) The transferor has made proper endorsement and delivery of the certificate of ownership to the transferee as provided in this code and the transferee has delivered to the department or has placed the certificates in the United States mail addressed to the department when and as required under this code with the proper transfer fee and thereby makes application for a new certificate of ownership and a new certificate of number.
- (b) The transferor has delivered to the department or has placed in the United States mail addressed to the department the appropriate documents for the transfer of ownership of the vessel pursuant to the sale or transfer except as otherwise provided.

ELECTIONS CODE

17100. (a) All nomination documents and signatures in lieu of filing fee petitions filed in accordance with this code shall be held by the officer with whom they are filed during the term of office for which they are filed and for four years after the expiration of the term.

(b) Thereafter, the documents and petitions shall be destroyed as soon as practicable unless they either are in evidence in some action or proceeding then pending or unless the elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the documents and petitions be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the placement of a candidate's name on the ballot, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

17200. (a) Elections officials required by law to receive or file in their offices any initiative or referendum petition shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or, if the measure, for any reason, is not submitted to the voters, eight months after the final examination of the petition by the elections official.

(b) Thereafter, the petition shall be destroyed as soon as practicable unless it is in evidence in some action or proceeding then pending or unless the elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(c) Public access to any such petition shall be restricted in accordance with Section 6253.5 of the Government Code.

(d) This section shall apply to the following petitions:

- (1) Statewide initiative and referendum petitions.
- (2) County initiative and referendum petitions.
- (3) Municipal initiative and referendum petitions.
- (4) Municipal city charter amendment petitions.
- (5) District initiative and referendum petitions.

17300. (a) The elections official shall preserve all rosters of voters or combined rosters and indexes as provided for in Section 14109, if applicable, until five years after the date of the election, after which they may be destroyed by that official.

(b) In lieu of preserving the original roster of voters, the elections official may, by filming or other suitable method, record the original roster of voters and destroy the roster following the next subsequent general election.

1993 FAMILY MEDICAL LEAVE ACT (FMLA)

(a) FMLA provides that covered employers shall make, keep, and preserve records pertaining to their obligations under the Act in accordance with the recordkeeping requirements of section 11(c) of the Fair Labor Standards Act (FLSA) and in accordance with these regulations. FMLA also restricts the authority of the Department of Labor to require any employer or plan, fund or program to submit books or records more than once during any 12-month period unless the Department has reasonable cause to believe a violation of the FMLA exists or the DOL is investigating a complaint. These regulations establish no requirement for the submission of any records unless specifically requested by a Departmental official.

- (b) Form of records. No particular order or form of records is required. These regulations establish no requirement that any employer revise its computerized payroll or personnel records systems to comply. However, employers must keep the records specified by these regulations for no less than three years and make them available for inspection, copying, and transcription by representatives of the Department of Labor upon request. The records may be maintained and preserved on microfilm or other basic source document of an automated data processing memory provided that adequate projection or viewing equipment is available, that the reproductions are clear and identifiable by date or pay period, and that extensions or transcriptions of the information required herein can be and are made available upon request. Records kept in computer form must be made available for transcription or copying.
- (c) Items required. Covered employers who have eligible employees must maintain records that must disclose the following:
- (1) Basic payroll and identifying employee data, including name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.
 - (2) Dates FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or an employer plan which is not also covered by FMLA.
 - (3) If FMLA leave is taken by eligible employees in increments of less than one full day, the hours of the leave.
 - (4) Copies of employee notices of leave furnished to the employer under FMLA, if in writing, and copies of all general and specific written notices given to employees as required under FMLA and these regulations (see Sec. 825.301(b)). Copies may be maintained in employee personnel files.
 - (5) Any documents (including written and electronic records) describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.
 - (6) Premium payments of employee benefits.
 - (7) Records of any dispute between the employer and an eligible employee regarding designation of leave as FMLA leave, including any written statement from the employer or employee of the reasons for the designation and for the disagreement.
- (d) Covered employers with no eligible employees must maintain the records set forth in paragraph (c)(1) above.
- (e) Covered employers in a joint employment situation (see Sec. 825.106) must keep all the records required by paragraph (c) of this section with respect to any primary employees, and must keep the records required by paragraph (c)(1) with respect to any secondary employees.
- (f) If FMLA-eligible employees are not subject to FLSA's recordkeeping regulations for purposes of minimum wage or overtime compliance (i.e., not covered by or exempt from FLSA), an employer need not keep a record of actual hours worked (as otherwise required under FLSA, 29 CFR 516.2(a)(7)), provided that:
- (1) eligibility for FMLA leave is presumed for any employee who has been employed for at least 12 months; and
 - (2) with respect to employees who take FMLA leave intermittently or on a reduced leave schedule, the employer and employee agree on the employee's normal schedule or average hours worked each week and reduce their agreement to a written record maintained in accordance with paragraph (b) of this section.
- (g) Records and documents relating to medical certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files, and if ADA is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements (see 29 CFR Sec. 1630.14(c)(1)), except that:

- (1) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;
- (2) First aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and
- (3) Government officials investigating compliance with FMLA (or other pertinent law) shall be provided relevant information upon request.

KEY: T = Termination/Term CY = Current Year E = Election
P = Permanent AU = Audit US=Until Scanned
L = Life CL = Closed/Completion
S = Supersede AC = Active