

RESOLUTION NO. 23-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WOODSIDE FIRE PROTECTION DISTRICT
ESTABLISHING A DISTRICT RECORDS MANAGEMENT POLICY AND RETENTION SCHEDULE

WHEREAS, Health and Safety Code Section 13868, a provision of the Fire Protection District Law of 1987, requires the Board of Directors ("Board") of the Woodside Fire Protection District ("District") to keep a record of all its acts, including its financial transactions; and

WHEREAS, Health and Safety Code Section 13868 further provides that the District, may destroy or dispose of any record, paper, or document filed with, subject to the requirements of Government Code section 60200 et. seq., which establish the records retention requirements for special districts; and

WHEREAS, a records management policy and retention schedule assists in the effective administration of District business and efficient use of District resources; and

WHEREAS, the District has considered factors such as future public need, the effects of statute of limitations on litigation in which the District could become involved, and historical significance of the records referenced in the attached Records Management Policy and Retention Schedule.

NOW THEREFORE BE IT RESOLVED that the Board of Directors hereby adopts the District Records Management Policy and Records Retention Schedule attached hereto.

PASSED, APPROVED and ADOPTED this 28th day of November, 2023, at a regular meeting of the District Board held on November 28, 2023, at 808 Portola Valley Road, Portola Valley, California 94028 with the following vote:

AYES:




NOES:

ABSENT:

ABSTAIN:

Dated: November 28, 2023



Matt Miller, President
Board of Directors

ATTEST:



Randy Holthaus, Secretary of the Board

WOODSIDE FIRE PREVENTION DISTRICT
RECORDS MANAGEMENT POLICY AND RETENTION SCHEDULE

I. Purpose and Scope

This Records Management Policy establishes the procedures to identify, organize, maintain, protect, and dispose of the records of the Woodside Fire Prevent District (“District”), ensure prompt and accurate retrieval of records, and ensure compliance with legal requirements. This policy conforms with the requirements of Health and Safety Code section 13868, Government Code sections 60200-60204, and the Local Government Records Management Guidelines prepared by the Secretary of State, pursuant to Government Code section 12168.7.¹

II. Authorization

The Board of Directors authorizes the Fire Chief to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified in this document. The Fire Chief shall work to promote the efficient and cost-effective conduct of District record keeping by reducing the number of records in active file areas, eliminating unnecessary retention of duplicate or obsolete documents, and providing for timely transfer of inactive files in compliance with legal requirements.

III. Records Not Required to be Maintained.

The District is not required to retain the following records:

1. Duplicate records, providing that the original record is retained according to the Records Retention Schedule.
2. Preliminary drafts of letters, memoranda, reports, notes once the final document is prepared.
3. Books, periodicals, and other printed material not created by the District.
4. Spam and junk mail in whatever form.
5. Any record that is not required to be maintained by law or is not a public record as defined by Government Code section 7920.530.

¹ This Records Management Policy and Retention Schedule shall incorporate any amendments to existing law without further action of the District.

IV. Conversion of Documents to Electronic Format.

Pursuant to Government Code section 60203, the District may authorize the destruction of any record, paper, or document that is not expressly required to be maintained in paper form if:

1. The record is photographed, microphotographed, reproduced in by electronically recorded video images, recorded in an 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 in compliance with Government Code section 12168.7 for recording of permanent records or nonpermanent records.
2. The device used to reproduce the photographs or other reproductions is one that accurately reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document images.
3. The photographs or other reproductions are placed in conveniently accessible files and provision is made for preserving, examining, and using the files.
4. A “trusted system” is a “combination of technologies, policies, and procedures for which there is no plausible scenario in which a public record retrieved from or reproduced by the system could differ substantially from the public record that is originally stored.” (Govt. Code § 12168.7.)

V. Cloud Computing Storage Service

Pursuant to Government Code section 12168.7, the District shall store electronic records only on a cloud computing storage system that complies with the International Organization for Standardization ISO/IEC 27001:2013, or other applicable industry-recognized standards relating to techniques and information security management, and that provides administrative users with controls to prevent stored public records from being overwritten, deleted, or altered.

VI. Destruction of Records

Once a record has fulfilled its administrative, fiscal, or legal function, the Board of Directors authorizes its destruction in accordance with the Records Retention Schedule. The destruction should include originals, photocopies, and documents stored in an electronic format. Confidential records shall be destroyed by shredding in accordance with applicable law or other secure manner that preserves their confidentiality. The District shall make and maintain a list of documents that are destroyed.

Woodside Fire Prevention District
Records Retention Schedule²

Type of Record	Retention Period ³	Authority/Notes
ADMINISTRATION		
Accident Reports – personal injury to non-employees	2 years after incident	Cal. Civ. Proc § 335.1
Annual Reports	2 years after no longer active	
Annual Expense Reimbursement list	Permanent (best practice)	Annual disclosure required by Govt. Code § 53065.5.
Bids, Accepted	2 years after contract awarded	Govt. Code § 60201
Bids, Unaccepted	2 years after contract completed	Govt. Code § 60201
Bonds, all records related to	10 years after paid	Cal. Civ. Proc § 337.5
RFPs, RFQs	2 years after contract completed	Govt. Code § 60201
Nondischarged contracts to which the district is a party	Permanent	Govt. Code § 60201
(District) Building design, construction, renovation records	10 years from notice of completion	Cal. Civ. Proc § 337.15
Claims by District	Retain all records related to claims by the District until 2 years after settled/finally adjudicated	Govt. Code § 60201
Claims Against the District - Claims, records relating to payment/denial	2 years after denial/settlement/final adjudication	Govt. Code § 60201

² A county (Government Code section 26202) and a city (Government Code section 34090) may destroy any document no longer necessary or required for agency purposes after two years, provided the type of record is not expressly required by law to be preserved for longer. Government Code section 60201, sets forth a list of categories of records that the District must retain permanently, but does not specify an express retention period for records used by the District that are not otherwise required by law to be preserved for a specific period. This Retention Schedule adopts a default two-year retention period for records not otherwise expressly required to be maintained for longer, except as otherwise specified.

³ Where federal and state law differ as to the retention requirement, we use the longer period. Where there is no legal citation, the retention period is a best practice recommendation.

Contracts/Grants/Leases	5 years after completion of the contract	Cal. Civ. Proc § 337
Compensation records of payments to district employees or officers or to independent contractors providing personal or professional services to the district	7 years after date of payment	Govt. Code § 60201
District formation, change of organization or reorganization Records	Permanent	Govt. Code § 60201
Environmental Studies	Permanent	
Litigation-related	Retain all records related to litigation until settled/finally adjudicated Consult with Legal Counsel at to retention after completion (time may vary depending on nature of litigation)	
Real Property records - appraisals, titles, deeds, easements or related records re District-owned property	Permanent	Govt. Code § 60201
Facility Inspection Records	Permanent (best practice)	
Publications	If historical record – permanent If for administrative purposes – 2 years	
Documentation of records destruction (list of records destroyed)	Permanent	Govt. Code § 60201
Subject of a public records act request	Until request is granted or two years after agency has denied request (unless the type of record is required to be kept longer as set forth in this policy)	Govt. Code § 60201
Records which have not fulfilled the administrative, fiscal, or legal purpose for which it was created or received	Permanent	Govt. Code § 60201
BOARD MATTERS		
Agendas and Agenda packets	Permanent	

Board members expense reimbursement records	7 years after date of payment	Govt. Code § 60201
Citizen communications, general correspondence	2 years	
Minutes	Permanent	Govt. Code § 60201
Notices/Publications for hearings, ordinances	2 years	
Ordinances	Permanent If repealed or invalid – 5 years from date of repeal or invalidity	Govt. Code § 60201
Resolutions	Permanent	Govt. Code § 60201
Recordings of Meetings	30 days	Govt. Code § 54953.5
ELECTION/ETHICS RECORDS		
Campaign Statements/Disclosures/Reports	7 years for elected officials 5 years for those not elected	Govt. Code § 81009(c)
Conflict of Interest Code	Must be updated every two years; retain outdated codes permanently	Govt. Code § 60201
Economic Interest Statements (Form 700)	7 years	Govt. Code § 81009(e)
Oaths of office	7 years after completion of term	
Records relating to District elections, ballot measures	Permanent	
FINANCE RECORDS		
Accounts Payable - records relating to account postings with supporting documents, vouchers, investments, invoices and back-up documents, purchase orders, travel expense reimbursements, petty cash, postage, PERS reports, check requests, etc.	5 years after audit	26 CFR § 31.6001-1(e)(2); Cal Code of Civ. Proc. § 337
Accounts Receivable – deposits, payments	5 years after audit	26 CFR § 31.6001-1(e)(2); Cal Code of Civ. Proc. § 337
Adopted Budget	Permanent	
Annual financial report/audit reports	Permanent	
Assessment records – notice, protest, hearing	2 years after hearing	Govt. Code § 53753

Audit Proposals	2 years after completion of audit	
Audit review or hearing	Permanent	
Bank Statements	5 years after audit	
Banking Agreements	5 years after closing of account	Cal. Civ. Proc § 337
Fee schedules	Permanent	
Federal Tax records	7 years after filing	
Financial Records -Deposits, Removals,	5 years after audit	
Insurance certificates/records	Permanent	
Invoices/Purchase Orders	5 years after audit	
Monthly financial reports	5 years after audit	
Nondischarged debt of District	Permanent	Govt. Code § 60201
State Tax Records	6 years	Rev. & Tax .Code § 19704
Vehicle Maintenance/Registration Documents	Life of Vehicle plus 2 years	
HUMAN RESOURCES		
Cal OSHA Injury logs, annual summary	5 years from the following of the end of the calendar year that the records cover	8 C.C.R. § 14300.33(a)
Collective Bargaining Agreements	Permanent	29 C.F.R. § 516.5 (minimum of 3 years); best practice it to retain them permanently
DMV records	2 years after termination of employment	
Employee Medical and Hazard Exposure Records	Length of Employment + 30 years	8 C.C.R. § 3204
Employee applications,	Length of employment + 5 years	Govt. Code § 12946
Employee applications, unsuccessful applicants	5 years after closure of position	Govt. Code § 12946 (4 years); 29 C.F.R. § 1627.3 (3 years)
Employee certification/training records	5 years after termination	
Employee Eligibility Verification (I-9 Form)	3 years after hiring or 1 year after employment is terminated, whichever is later	14 USC § 1324a(b)(3)

Employee personnel files ⁴	5 years after termination	29 CFR 1627.3; Govt. Code § 12946
Employee wage records – timecards	5 years	26 C.F.R. § 31.600-1
Exposure to Potentially Toxic Materials/Harmful Physical Agents, records	Permanent	
Medical/Dental Benefits Agreements	5 years after termination	
Pay stubs	4 years after payment	22 C.F.R. § 1085-2
Payroll records	4 years after payment	22 C.F.R. § 1085-2
Personnel contracts	5 years after termination	
Personnel Handbook/Policies	Permanent	
Salary surveys and studies	Permanent	
Temporary Employee Records	5 years after termination	29 CFR 1627.3
Unemployment Records	Permanent	
Workers Compensation Records	5 years from date of injury or the last payment is made	8 CCR § 15400.2
OPERATIONAL FILES		
Defensible Space Grant Records	2 years after reimbursement	
Equipment purchase, maintenance, repair records	5 years after termination of use	
Fire Incident Reports		
Hazardous Materials Storage	Permanent	
Hazardous Weed Abatement Records – complaints, inspections, cost calculations, etc.	2 years after abatement complete and all costs recovered	
Hazardous Weed Property Lien Records	2 years after collection completed	
Property Inspection Reports	2years after inspections	
Patient Care Reports		
Recordings of telephone and radio communications	100 days	Govt. Code § 53160

⁴ Personnel files include, but are not limited to those used to determine an employee’s qualifications for promotion, additional compensation or disciplinary actions, including application for employment, payroll authorization form, notices of commendation, warning, discipline, termination; notices of layoffs, leaves of absence, vacation/sick records; notices of wage attachment or garnishment; education and training records; performance reviews; attendance records; signed acknowledgements of policies.

Recordings, routine video monitoring of regular and ongoing operations of the district, including building security systems	1 year	Govt. Code § 53160
Smoke Detector Certification Forms	2 years after inspection complete	