



RESOLUTION NO. 3425

RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF VENTURA PORT DISTRICT RELATING TO THE RETENTION AND DESTRUCTION OF DISTRICT RECORDS

WHEREAS, under Government Code Section 6250 et. seq., any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the District regardless of physical form or characteristics is a public record; and

WHEREAS, despite the fact that the District may have public records, under Government Code Section 60200 et. seq., special districts are provided with legislative guidance regarding retention and destruction of certain records; and

WHEREAS, pursuant to Government Code Sections 60201 and 12236, the Secretary of State provides specific retention periods for certain records but does not provide retention periods for all records; and

WHEREAS, in instances where the Government Code or the Secretary of State do not expressly require retention, the Board may exercise its own discretion in setting the policy for retention and destruction; and

WHEREAS, on August 16, 1995, the Board of Port Commissioners approved Resolution No. 2708 creating a policy relating to the retention and destruction of District records;

WHEREAS, on July 27, 2016, the Board of Port Commissioners approved Resolution No. 3314 updated the policy relating to the retention and destruction of District records;

WHEREAS, if at any time after this Resolution is passed, the District wishes to amend or restate the District's Record Retention Policy, it may elect to do so by Motion, rather than by Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Port Commissioners of the Ventura Port District hereby adopts the Appendix A attached to this Resolution as the District's policy for the retention and destruction of District records and rescinds Resolution No. 3314.

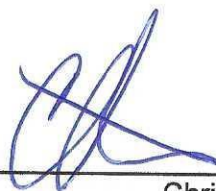
PASSED, APPROVED AND ADOPTED by the Board of Port Commissioners, this 1st day of September 2021, by the following vote:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina

NOES:

ABSTAINED:

ABSENT: Commissioner Ashworth



Chris Stephens, Chairman

ATTEST:



Brian Brennan, Secretary

APPENDIX A VENTURA PORT DISTRICT RECORD RETENTION POLICY

In order to establish guidelines for the retention of Ventura Port District ("District") records and to identify those records which are no longer required for or important to District operations, and are therefore appropriate for destruction, the following guidelines are established for the retention of District records:

Different types of District records and a recommended retention period for those records are set forth on the attachment to this Policy. Although every effort has been made to provide a thorough list of the different types of District records, the attached list is not all-inclusive, and there may be records which do not fall within one of the listed categories. In such case, the General Manager of the District is authorized to make a determination as to the appropriate retention period for that particular record.

Each record on the attached list shall be maintained in District records for the period indicated. In some instances, circumstances may exist which justify maintenance of a particular record for a longer period of time. The period of retention begins at the end of the fiscal year during which the record was created, not from the date of the record itself.

Certain records are identified on the attachment as "Permanent Records" which shall be retained permanently in District records. Some Permanent Records should be retained in their original form, including minute books, resolutions and ordinances; records relating to the District's formation, and formation of any improvement or assessment districts or related public benefit corporations; deeds, easements and other real property records; insurance policies; annual and audited financial reports; and court judgments and settlement agreements. Other permanent records may be photographed, microfilmed, scanned and stored on a computer hard drive with additional electronic backup, or reproduced on optical disk or other medium to facilitate their retention as required by this Policy.

Electronic records, such as e-mail, voicemail, and work-related text message are only to be retained by the District if in the discretion of the General Manager, the record has administrative value. If e-mail, voicemail, and work-related text messages are retained by the District, the metadata also needs to be retained. For purposes of this policy, "metadata" includes the sender, recipient, date/time message was sent, and subject matter of the message. If a voicemail is retained, the metadata associated with that voicemail must be written down, and also retained.

In normal operations of the District, duplicate records are often created. Unless the Board of Port Commissioners provides otherwise, the General Manager may authorize the destruction of any duplicate record so long as the original or a permanent photographic reproduction or optical disk copy of the record is created and maintained in accordance with this Policy.

In accordance with *Government Code §60201*, the District may utilize alternative storage methods for those records which are not required to be maintained in their original form. Upon Board authorization, District records may be photographed, micro-photographed, reproduced by electronic video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, scanned and stored on a computer hard drive with additional electronic backup, or produced on film or any other reliable medium which does not permit additions, deletions or changes to the original document. This preservation must comply with minimum standards or guidelines recommended by the American National Standards Institute or the Association for Information of Image Management for recording of permanent records or non-permanent records.

Such reproductions shall be maintained in conveniently accessible files with provisions being made by the District for preserving, examining and using files. The reproductions can be certified, and such certified reproductions shall be deemed to be original public records for all purposes pursuant to *Government Code §60203*. Certification of the record must comply with standards approved by the California Attorney General, including a statement of identity, description and disposition or location of the records reproduced and the date, reason and authorization for such reproduction.

The General Manager shall oversee the process for destruction of District records in accordance with the guidelines attached to this Policy. Records (whether originals or reproductions) can be destroyed by the District unless it is determined that a compelling reason then exists to continue retention of the document. Alternatively, those records which are maintained in their original form during the retention period could, upon expiration of the retention period be converted to microfilm or other photographic reproduction for so long as circumstances reasonably dictate.

If litigation against the District or its employees is filed, threatened, or likely, the District has a duty to preserve all documents and records that pertain to that litigation. As soon as the District is made aware of the filed, threatened, or likely litigation, the General Manager may issue a document hold specifying what documents and records must be retained until the filed, threatened, or likely litigation is resolved. A General Manager's document hold supersedes the record periods listed in the attached schedule.

Immediately prior to destruction, the General Manager shall make a determination that no reason then exists to preserve the record.

The following list of records with suggested retention periods is comprised primarily of records commonly found in the general business community and is not intended as an exhaustive listing of all District records. Except as noted, the figures represent the number of years for retaining the records. The periods begin at the end of the fiscal year during which the record was created, not from the date of the record. The retention period for items supporting tax returns begins on the filing date of the return or its due date, whichever is later.

"P" = permanently; "AT" = after termination; "AC" = After creation; "AD" = after disposal of the underlying asset; "AE" = after election; "AEG" = after end of grant; "AM" = after meeting; "AR" = after revision; "ARNC" = after recordation of notice of completion.

Accident reports (settled)	7	Insurance policies	P
Agendas; meeting notices	2	Inventory records	7 AD
Audits (see also Financial Reports)	P	Invoices	7
Bank deposit slips	3	Labor records:	
Bank reconciliations	3	Applications (employees)	7 AT
Bank statements	7	Applications (non-hirees)	2
Bills of lading	5	Contracts	7 AT
Board meeting packets	90 days	Daily time reports	5
Bonds (records of issuance)	P	Disability claims	7 AT
Budgets and related updates and adjustments	3	Earnings records	7
Check register	10	Employee manual	2 AR
Checks (paid and canceled)	7 AD	Employee service records	7 AT
Contracts:		Interview documents (employees)	7 AT
Employee	7 AT	Interview documents (non-hirees)	2
Vendor/consultant	7	Pay checks	7
For acquisition, operation, maintenance of land and improvements	P	Personnel files	7 AT
Correspondence:		Salary and wage changes	7 AT
Accounting	7	Salary receipts	7 AT
Credit and collection	7	Time cards, tickets and clock records	5
General	3	Training records	7
Personnel	7 AT	Unemployment claims	7 AT
Cost accounting records	5	Withholding certificates	7 AT
Deposit slip copies	3	Worker's compensation reports	10
Depreciation schedules	7 AD	Leases	7 AT
District Formation records	P	Ledgers and journals:	
Easements	P	Accounts payable ledger	7
Electronic Records:		Accounts receivable ledger	7
E-mail correspondence (with administrative value) and related metadata	90 days	Cash journal	10
Voicemail (with administrative value) and related metadata	90 days	Customer ledger	7
Text Message (with administrative Value) and related metadata	90 days	General journal	10
Environmental review documents:		General ledger	P
EIRs, negative declarations, notices of exemption, notices of determination	P	Journal entries-year-end	P
Environmental review: correspondence	3	Payroll journal	10
Equipment leases (after expiration)	7	Plant ledger	P
Equipment repair records	3	Purchase journal	10
Expense reimbursement records	3	Licenses	1 AT
Financial reports:		Litigation files (resolved):	5
Audited	P	Judgments, Orders, Settlement Agreements	P
Annual	P	Maintenance records:	
Interim	3	Building	7
Fixed asset records	7 AD	Machinery	7
FPPC records (Forms 700)	7 AT	Vehicles	7
Garnishments	3 AT	Vessels	7
Grant applications (successful)	5 AEG	Minute books,	
Grant funding records	5 AEG	Resolutions, Ordinances	P
		Mortgages	7 AT
		Notes (canceled)	7
		Oaths of office	6 AT
		Options	7 AT
		Ordinances	P
		Pension records	P
		Petty cash records	3

Public contract documents	7 ARNC
Real estate development records:	
Design, Engineering, Construction	10
As-builts w/ District approval	P
Planning documents	3 AR
Policies and procedures	3 AR
Property records:	
Appraisals	P
Damage reports	7
Deeds, Easements, Licenses	P
Depreciation	7 AD
Plans and specifications	P
Purchases	P
Reconveyances	P
Sales	P
Taxes	10
Public Records Act requests	2
Purchase order copies	3
Purchase invoices	7
Receiving reports	3
Recordings – audio and/or video, including routine, security, and/or Board Meetings	365 days AC
Remittance statements	3
Resolutions	P
Rules and Regulations	P
Software license agreements and documentation (after expiration)	3
Staff reports	2
Surety bonds	3 AT
Travel records (employees)	3
Vehicle records	2 AD
Water quality tests – bacteriological	5
Water quality tests – other	12
Water quality reports	12
Water quality violations	3