

HAPPY HOMESTEAD CEMETERY DISTRICT

RECORD RETENTION POLICY AND SCHEDULE

Adopted 7/20/21


Chairman, Willard Ellis

PURPOSE

California Health and Safety Code section 9043(c), Government Code sections 60200-60204, and the Secretary of State Local Government Records Management Guidelines govern the retention of records of the Happy Homestead Cemetery District ("District") and the disposal of the District's obsolete records. The purpose of this Policy is to provide guidance to staff regarding the retention of District records

In particular, electronic mail ("e-mail") generates correspondence and other documentation which are public records (hereinafter "Official District Records") in need of protection/retention in accordance with the California Public Records Act (Gov. Code, §§ 6250-6276.48). The e-mail system is intended as a medium of communication only. Therefore, the District's e-mail system should not be used to store or maintain documents, including but not limited to Official District Records.

AUTHORIZATION

The District Manager is authorized by the District's 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 District Manager and the Records Coordinator are authorized to do any and all acts necessary to comply with the provisions and intent of this Policy. The District Manager 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.

DEFINITIONS

1. Document, record, or writing means any handwriting, typewriting, printing, 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 a District 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 District 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."

GENERAL GUIDELINES

The following general guidelines apply to all District records:

1. Except where a record is expressly required to be preserved by law or this Policy, District 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 § 60201.)
2. In addition to the retention periods required under the attached Record Retention Schedule, District 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, District 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. E-mails relating to District business, whether located on a District-owned 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 District 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 60201, District shall not destroy any of the following records:
 - a. Records less than two years old.
 - b. Records relating to formation, change of organization, or reorganization of the District.

- c. Ordinances adopted by the District, except that an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of five years after it was repealed or became invalid or unenforceable.
- d. Minutes of any meeting of the legislative body of the District.
- e. Records relating to any pending claim or litigation or any settlement or other disposition of litigation within the past two years.
- f. Records that are the subject of any pending request made pursuant to the California Public Records Act, whether or not the District maintains that the record is exempt from disclosure, until the request has been granted or two years have elapsed since the district provided written notice to the requester that the request has been denied.
- g. Records relating to any pending construction that the District has not accepted or as to which a stop notice claim legally may be presented.
- h. Records relating to any nondischarged debt of the District.
- i. Records relating to the title to real property in which the District has an interest.
- j. Records relating to any nondischarged contract to which the District is a party.
- k. Records that have not fulfilled the administrative, fiscal, or legal purpose for which they were created or received.
- l. Records that are an unaccepted bid or proposal, which is less than two years old, for the construction or installation of any building, structure, or other public work.
- m. Records that specify the amount of compensation paid to District employees or officers or to independent contractors providing personal or professional services to the District, or relating to expense reimbursement to District officers or employees or to the use of District-paid credit cards or any travel compensation mechanism. However, a record described in this paragraph may be destroyed or disposed of pursuant to this section seven years after the date of payment.

RECORDS RETENTION SCHEDULE

The Records Retention Schedule for the District 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 District Manager 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 District records.

DUPLICATE RECORDS

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

PROCEDURES FOR DISPOSAL OF OBSOLETE RECORDS

1. At least once annually, the District 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 Records Coordinator or designated staff member 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."
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 the District.

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
HAPPY HOMESTEAD CEMETERY DISTRICT

Group No.	Title or Description	Original	Duplicate	Retention Periods		
				At Office	At Record Center	Destroy After
1	Records required for recording of grave purchases and burials.					
	Deed Cards, Block Cards, & Death Cards	3		3		
	Burial Orders	3		5 yrs.	3	
	Burial Permits	3		5 yrs.	3	
	Old Cemetery Lot Cards	3		3		
	Deed & Death Books – New Cemetery	3		12/31/2009	3	
	Death Books – Old Cemetery	3		3		
	Old Cemetery Map Books (incl. 1/1/7 to Current)	3		3		
	Old Cemetery Map Books (pre – 12/31/06)	3			3	
	Old Cemetery Ledgers*		3		3	
	Grave Buy Back Forms	3		3		
	Receipts – White	3		3		
	Receipts – Pink		3	1 yr.		1 yr.
	Deeds Stubs/Copies	3		3		
Grave Reservation Forms	3		2 yrs.	3		
Eligibility Listing	3		3			
Seller's Permit	3		3			
2	Customer acknowledgements.					
	Upright Monument Form	3		2 yrs.	3	
	Block 7 Monument Form	3		2 yrs.	3	
	Bench Request	3		3		
	Signed Rules & Regulations	3		1 yr.	3	
	Veteran Marker Form	3		1 yr.	3	
Niche Engraving Form	3		1 yr.	3		
3	Misc. Grave site Outside Vendor/Contractor Records.					
	Rose Book	3		3		
	Work Release Documents	3		1 yr.		1 yr.
	Marker Company placement maps	3		1 yr.		1 yr.
	Marker Approval Forms	3		2 yrs.	3	
	Certificates of Liability Insurance	3		Current	3	
	DE 542 – Outside Contractors	3		2 yrs.	3	
	Gate Attendant Contract	3		3		
	Rose Care Attendant Contract	3		3		
Flag List	3		3			
4	Board Meeting Records					
	Minutes, ordinances & resolutions of Board.	3		5 yrs.	3	
Board Packets	3		1 yr.	3		
5	Payroll/Employee Records					
	Time Cards	3		2 yrs.	3	
	Payroll Registers/Sheets	3		2 yrs.	3	
	Personnel Files – Current Employees	3		3		
	Personnel Files – Separated Employees	3		1 yr.	3	
	Confidential Supervisor's Employee Files	3		3		
	MOU Agreements	3		3		
	MOU Negotiation documentation	3		2 yrs.	3	
	PERS Contract	3		3		
Workers Compensation Claim Summaries	3		1 yr.	3		

Cont. next page

	Quarterly Payroll tax forms		3	2 yrs.	3	
	CalPERS Actuarial	3		5 yrs.	3	
6	Financial Records					
	Monthly County Financial Statements	3		5 yrs.	3	
	Check Register		3	1 yr.	3	
	Income & Expense Monthly Reconciliation		3	1 yr.	3	
	Returned Checks	3		2 yrs.	3	
	Accounts Payable Invoices	3		2 yrs.	3	
	Placer County Expenditure Forms	3		2 yrs.	3	
	Placer County Deposit Affidavits	3		2 yrs.	3	
	Deposit Spreadsheet Forms	3		2 yrs.	3	
	Journal Entries	3		2 yrs.	3	
	Inventory Reconciliation	3		3		
	Budget - Supporting Documents	3		2 yrs.	3	
	Gann Limits		3	3		
	Pricing Documents – graves	3		3		
	Financial Audits	3		2 yrs.	3	
	Form 1099's	3		2 yrs.	3	
	RDA Pass Trough Payments	3		3		
7	Policy files and reference sets of publications.					
	Office Procedures – Binder	3		3		
	Policy Manual	3		3		
	Policy Manual Distribution List	3		3		
	Drug Policy	3		3		
	CalPERS Law Manual	3		Current		1 yr.
	Placer County Special Districts Final Budget	3		Current		1 yr.
	CalPERS ACES Manual	3		3		
	Workers Compensation Insurance Policy	3		2 yrs.	3	
	Property Liability Insurance Policy	3		2 yrs.	3	
	Investment Policy	3		3		
	Cemetery Directories	3		Current		1 yr.
	City of Auburn Agenda/Minutes	3		1 yr.		1 yr.
	Safety Meeting Records	3		1 yr.	3	
	Management Discussion & Analysis	3		5 yrs.	3	
	California Health & Safety Code		3	Current	3	
	Brochures	3		3		
8	Records affecting title to real property or liens thereof.					
	Title Reports	3		3		
	Easements	3		3		
	Encroachment Permits	3		3		
	Cell Tower Lease Agreements	3		3		
	Land Development Documents	3			3	
	Storm Water Prevention Plan	3			3	
	Property Negative Declaration Documents	3			3	
	Maps	3			3	
	Annexation Documents	3			3	
	Placer County LAFCO Documents	3		5 yrs.	3	
9	Documents needed for administrative purposes					
	Smog License	3		5 yrs.	3	
	Tree Surveys	3		3		
	Vandalism Issues	3		3		

Cont. next page

	Board Trustees – Statement of Facts	3		5 yrs.	3
	Signature Cards Trustees	3		5 yrs.	3
	Ethics AB1234 Training	3		5 yrs.	3
	Form 700 – Conflict of Interest	3		2 yrs.	3
	Biennial Agency Report	3		5 yrs.	3
	CalPERS ACES Documentation	3		2 yrs.	3
	Auditor Contract	3		2 yrs.	3
	Correspondence	3		5 yrs.	3
	Memberships	3		1 yr.	3
	Calendars	3		2 yrs.	3
	Redevelopment Agencies Documentation	3			3
	CalCard Contract	3		3	
	Safe Deposit Box Documentation	3		3	
	Vehicles Preventative Maintenance	3		1 yr.	3
	Photographs	3		3	
	Training Documentation	3		3	
10	Records regarding Computer Data				
	Software	3		3	
	CD and Floppy Disk Backups		3	3	
	Thumb Drive Computer Backup		3		Offsite with Manager
11	Emails - See Attached Policy				

ATTACHMENT "B"
REQUEST FOR DESTRUCTION OF OBSOLETE RECORDS

HAPPY HOMESTEAD CEMETERY DISTRICT

To: District Records Coordinator
District General Counsel

From: _____

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

District Manager

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