

To: Board of Directors

Date: September 12, 2018

From: Kristina Martinez, Director of Recruitment & EE Development Reviewed by:

SUBJECT: Amendment to the CCCTA Records Retention Policy

SUMMARY OF ISSUES:

The CCCTA Board of Directors adopted a Records Retention Policy on September 19, 2002. The policy was amended on January 15, 2003 to include additional records to be retained (Resolution No. 2003-011).

Following CCCTA's recent FY18 Federal Transit Administration (FTA) Triennial Review, a draft report showed that CCCTA has an insufficient Americans with Disabilities Act (ADA) complaint record retention process. While CCCTA has retained an extensive ADA complaint log, the complaint records have not been formally included within the Records Retention Policy.

The FTA has prepared a corrective action schedule, which requires CCCTA to submit procedures for retaining copies of ADA complaints by October 31, 2018. In conjunction with Legal, staff has prepared an amended Records Retention Policy, which now includes ADA complaints in the list of record retention categories (highlighted on page 4 of the attached policy).

Additionally, it is important for the Board of Directors to be aware that staff has been in the process of evaluating the Records Retention Policy on a larger scale and has been working with Legal to identify additional records to be included. This would consist of, for example, the retention of electronic documents. However, staff did not anticipate bringing this to the Board for a couple of months and in response to the FTA's October 2018 deadline, this policy amendment solely focuses on the retention of ADA complaint records. Staff will bring a comprehensive policy amendment to the A&F Committee for review at a later date.

RECOMMENDATIONS:

The A&F Committee recommends that the Board of Directors adopt an amended CCCTA Records Retention Policy, which will include ADA complaint records (Resolution No. 2019-06).

FINANCIAL IMPLICATIONS:

None.

ACTION REQUESTED:

Staff requests that the Board of Directors move to adopt the amended CCCTA Records Retention Policy (Resolution No. 2019-06).

ATTACHMENTS:

Draft Amended Records Retention Policy, Resolution No. 2019-06

The County Connection

Records Retention Policy

Adopted by the CCCTA Board of Directors September 19, 2002

Resolution No. 2003-003

Amended January 16, 2003 – Resolution No. 2003-011¹

Amended September 20, 2018 – Resolution No. 2019-06

PURPOSE: The purpose of this policy is to provide guidelines consistent with state and Federal law concerning the retention of records, documents, correspondence, applications, reports, notes, tables, forms, and bids by the Central Contra Costa Transit Authority.

AUTHORITY: By adopting this policy, the Board of Directors of the Central Contra Costa Transit Authority hereby grants to the General Manager, or his/her designee, the authority to retain and destroy all records as defined herein, unless authority for specific documents is delegated herein solely to the Board of Directors. Authority regarding retention periods for all types of documents referenced herein is from the California Government Code, Federal Regulations (C 5010.1C), Local Government Records Retention Guidelines prepared by the California Secretary of State (“Guidelines”) (1999), and assistance from CCCTA Legal Counsel.

The term “record” as used in this policy is defined as follows: any document, correspondence, notes, tables, budgets, reports, forms, applications, or other written or recorded information of any kind, including photographs, films and audio recordings, prepared, owned, used or retained by CCCTA.

This policy may be amended from time to time as laws and regulations change, and as documents, records, reports and other media not contained herein are added.

**TYPES OF DOCUMENTS AND RECORDS
AND THEIR RETENTION PERIODS**

Claims and Records Relevant to Litigation

5 years following

Resolution of Claim or Litigation

All records constituting a government tort claim against CCCTA, litigation records in which CCCTA is or was a party, or records containing evidence relevant to such claim or litigation matter.

This assumes that the claim or pending litigation is known prior to the end of the regular retention period for the document in question. (See GC § 25105.5, and Guidelines pg. C-24.)

*Attorney Correspondence

Closed + 2 years, unless litigated

¹ Those items identified with an asterisk (*) have been added under this amendment

* Claims Audits	Current + 5 years
* Claims filed with third party administrator	Closed + 5 years
* Loss Runs	Current year end + 7 years
* Worker's Comp Claim Files	
Open/Closed medical & indemnity	5 years from injury date, or from date compensation was last provided, Whichever is latest (See Title 8, CCR § 15400.2)
Future medical claims	Permanent or 5 years after death
Claim Logs	5 years from end of year covered

Duplicate Records: Destroy any time

Board and Committee Meeting Minutes and Packets: Retain Indefinitely
Taped Proceedings of Boards/Committees Destroy after written Minutes approved

***Resolutions** Permanent

***Conflict of Interest Code** Current + 7 years

***Statement of Economic Interest (FPP Commission Form 700)** 7 years from filing

Audit Reports and Budget Documents Permanent
Transportation Development Act Claims 5 years
* State Controller's Report Permanent

Federal and State Reports (Section 5307, 5309, 5303 of The Federal Transit Act (PL 103-272)) 3 years
Federal and State grant applications/contracts 3 years after closeout
Quarterly financial and Progress Reports 3 years after closeout

Invitations for Bid (IFB), Request for Proposal (RFP)
For services, rolling stock, etc 4 years
For construction projects 5 years

Contracts and Agreements 4 years after closeout
* For Capital Improvements Permanent

Grant deeds, easements, title insurance, Building plans, plat maps, etc. Retain Indefinitely

Routine Video Monitoring: 1 year

Recordings of Telephone and Radio Communications 100 days

*Correspondence	3 years
* Roster of Public Agency Filing	Permanent
Asbestos Contaminated Records	Destroy immediately
If the amount of exposure is a health and safety threat to whoever is handling the records, by a vote of the Board, if it is determined that the cost of sterilizing the records exceed their value.	
Records stored on Microfilm or Other Electronic Media	
The original record from which the electronic file is derived may be destroyed immediately, if the electronic files are such that they cannot be altered, are accurately and fully reproduced on the electronic media, and are stored in accessible files.	
Accident/Occurrence Reports:	2 years
In the event that the incident addressed in any accident/occurrence records are subject to claims or litigation involving CCCTA, they shall be preserved for five years following resolution of the claim or litigation.	
Financial Records	
(See Generally Page C-29 of the Guidelines)	
Accounts Payable/Receivable	Audit year +4
Bank Reconciliation	Audit year +5
Bank Statements	Audit year +5
Checks	Audit year +5
Budget Adjustments, journal entries	Audit year +2
Deposit Receipts	Audit year +4
Employee Time Sheets	Audit year +6
Investment Transactions	Permanent
Purchase Orders	Audit year +4
Salary Records	Termination +3
General Ledger	Permanent
Invoices	Audit Year +2
PERS Employee deduction reports	Termination +4
*Signature Authorizations	Audit year + 5
Legal Advertising	Current Year
Notices of Public Hearings, DBE program, RFPs, etc	plus 4
Vehicle Maintenance	Life of the vehicle
Insurance	
Insurance Certificates	Permanent
Liability/Property Insurance Policies	Permanent
Worker's Compensation Policies	Permanent
*Endorsements	Permanent
*Memoranda of Coverage	Permanent

Human Resources

Benefit Plan Claims	Permanent
Denied Benefit Plan Enrollments	4 years after closure
Employee Handbooks	2 years after superceded
Hourly Employees	6 years after termination
Medical Leave	30 years after closure
Job_Applications	3 years after Recruitment closure

Administration

Committee and Board Agendas	Current Year +2
Applications – Citizen Committees	
Selected	Termination +5
Not selected	Closed + 2

Americans with Disabilities Act (ADA)

ADA Complaints	1 year
Summaries of ADA Complaints	5 years

Joint Powers Agreement

Permanent

Public Information

Brochures, publications, newsletters, schedules	2 years after superceded
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Fixed Assets

Inventory	Audit year +4
Surplus Property Disposal	Audit year +4

Hazardous Materials

(See Generally Page 4-4 of the Guidelines)

Hazardous Waste Disposal	Closed + 10
Hazardous Materials Storage Permits	Closed +2
Training Materials	Superceded +2
MSDS	Superceded +2
Underground Storage Compliance	Permanent
Underground Storage Ops/Maintenance	Closed +2

***Training Records**

Safety	Current + 2 years
Non-Safety	Current +7 years

RESOLUTION NO. 2019 -06

**BOARD OF DIRECTORS
CENTRAL CONTRA COSTA TRANSIT AUTHORITY
STATE OF CALIFORNIA**

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**AUTHORIZING AMENDMENT OF
THE CCCTA RECORD RETENTION POLICY**

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("CCCTA"), a joint exercise of powers agency created under California Government Code Section 6500 *et seq.*, for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions;

WHEREAS, on September 19, 2002, the CCCTA Board of Directors adopted a Records Retention Policy, which was most recently amended on January 15, 2003;

WHEREAS, following CCCTA's recent FY18 Federal Transit Administration Triennial Review, a draft report showed that CCCTA has an insufficient Americans with Disabilities Act (ADA) complaint record retention process, because complaint records have not been formally included within the Records Retention Policy;

WHEREAS, in conjunction with legal counsel, staff has prepared an amended Records Retention Policy, which now includes ADA complaints in the list of record retention categories; and

WHEREAS, the Administration & Finance Committee and the General Manager recommend Board authorization of the amendment to the Record Retention Policy.

NOW, THEREFORE, BE IT RESOLVED that the Central Contra Costa Transit Authority Board of Directors authorizes the aforementioned amendment to the Record Retention Policy.

Regularly passed and adopted this 20th day of September, 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Rob Schroder, Chair, Board of Directors

ATTEST:

Lathina Hill, Clerk to the Board