

LOS ANGELES COUNTY AFFORDABLE HOUSING SOLUTIONS AGENCY RECORDS RETENTION POLICY AND SCHEDULE

WHEREAS, the Los Angeles County Affordable Housing Solutions Agency ("LACAHSAs") has an obligation to create and maintain records and information in accordance with accepted records management practices and standards;

WHEREAS, LACAHSAs will manage and maintain records until the retention period has ended; will store records by a means acceptable to standard records management practices; and, once the retention period has ended, will destroy, archive or otherwise handle said records in accordance with this policy; and,

NOW THEREFORE, BE IT RESOLVED, THAT The Governing Board ("Board") of LACAHSAs hereby resolves to maintain records in accordance with the following Records Retention Policy and Schedule (the "Policy"):

RECORDS RETENTION POLICY STATEMENT

I. LACAHSAs Records Management

The Chief Executive Officer, or designee ("CEO") for LACAHSAs is responsible for developing and administering records management and archiving protocols and guidelines contained within this Policy. After LACAHSAs Board approval of this Policy, the CEO, on a biennial basis, will take steps to review and update this Policy and present these changes, if any, to the LACAHSAs Board for approval. This Policy is developed to assist LACAHSAs in discharging its records management, archiving and retention responsibilities.

II. Definitions

The phrase "in the custody of LACAHSAs" means in the physical possession or control of the CEO, any of the LACAHSAs Board members, any LACAHSAs staff, any contractors under contract with LACAHSAs to perform any services that generate documents used by LACAHSAs to perform its functions or carry out its duties.

The phrase "official public record" means a thing, based on its content and regardless of its medium, which constitutes an objective lasting indication of a writing, event, or other information, which is in the custody of LACAHSAs and is kept either (1) because a law requires it to be kept or (2) because it is necessary or convenient to the discharge of LACAHSAs duties and was made or retained for the purpose of preserving its informational content for future reference. (64 Ops.Cal.Atty.Gen. 317.)

An official public record, as defined in this Policy, differs from the definition of a public record under the California Public Records Act (Government Code section 7920.000 et seq.) ("CPRA") in that the latter may be construed more broadly.

An official public record in the custody of LACAHSAs, as defined in this Policy, may include all records maintained in LACAHSAs (or in LACAHSAs-designated contractor) offices, storage areas, electronic systems, and electronic storage devices. These storage devices or locations may include networked servers, cloud-based storage, mainframes, data warehouses, storage area networks, electronic data interchanges, imaging and document management systems, personal computers, laptops, cell phones, internal or external hard drives, magnetic tapes, optical disks, and any other system or device used to perform LACAHSAs business.

As a general rule, official public records are LACAHSAs property regardless of how or where they are stored, and they will remain the property of LACAHSAs until their eventual disposition. Employees and third-party contractors shall not donate, sell, nor take sole physical control or possession of LACAHSAs records. This includes records that have already met their retention period and are set for disposition. However, certain exceptions may exist. Thus, when any questions arise relating to this subject matter, please obtain assistance from LACAHSAs legal counsel.

The following examples are not considered to be official public records (these are "**non-records**"):

- 1) Duplicates of an official public record made solely for convenience or reference;
- 2) Documents and records in draft form;
- 3) Transitory and informal communications used to develop an official public record, unless they are specifically required to be retained by the CEO, by LACAHSAs Board, by LACAHSAs Board-approved policy, or by applicable law or regulation;
- 4) Duplicative copies of publications and blank forms;
- 5) Material intended solely for reference or exhibition;
- 6) Material with no requirement for retention under this Policy.

Non-records have no retention period and thus may be disposed of at any time unless they are responsive to a Litigation Hold or a CPRA Request or are otherwise needed for LACAHSAs purposes as further explained below.

III. Record Retention

The Records Retention Schedule set out below provides minimum retention periods for maintaining official public records. Once an official public record has met its minimum retention period, the record may be destroyed, archived or otherwise handled as set forth below (disposition).

This Records Retention Schedule does not cover all categories of records and may be modified periodically by the CEO, subject to adoption/approval of LACAHS Board.

IV. Record Disposition

Disposition refers to the final stage in the management of a record, where an official public record has met its retention period and may be ready for destruction. Prior to the destruction of an official public record, the following criteria should be considered:

- A. Is the record subject to a Litigation Hold or a CPRA Request?
- B. Does the record have a specific administrative or fiscal function?
- C. Does the record have a specific historical/archival value?
- D. Is the record vital to LACAHS on-going operations?

The LACAHS CEO or designee will periodically review official public records in the custody or control of LACAHS, including those stored with LACAHS-designated contractors, and dispose of these records in adherence to the applicable schedules set out in this Policy, having first considered the criteria stated above and as more fully explained below.

Records falling into any of the categories listed above, and as further explained below, should be stored and managed with appropriate labeling and container demarcation so as to easily identify protected content.

All other official public records not currently in use, shall be retained (in archived storage) until their disposition date is reached. Any records scheduled to be retained, but for which there exists no current use, shall be properly archived in a manner that allows for easy retrieval, searching, identification, categorization and determination of destruction date, including appropriate labeling, container demarcation and storage in a safe, secure and accessible environment. LACAHS may contract for appropriate and compliant digital and/or physical storage services to retain and archive LACAHS records.

A. Subject to Litigation or Other Legal Hold or CPRA Request

LACAHSA should not destroy any record where a Litigation or Legal Hold has been issued by LACAHSA legal counsel or where the record is the subject of a CPRA Request. All inquiries regarding Litigation or Legal Hold or Public Records Requests should involve LACAHSA legal counsel.

A Litigation or Legal Hold should be put in place from the moment litigation is reasonably anticipated, which can be any time before the filing of a complaint in court. Litigation includes administrative hearings. Once litigation is anticipated, LACAHSA has a duty to suspend its routine document retention/destruction policy and put in place a "Litigation Hold" to ensure the preservation of potentially relevant documents including electronically stored information ("ESI"); in other words, there is a duty to preserve evidence which one knows or reasonably should know is relevant to the anticipated litigation.

A CPRA Request is a request from someone who is seeking copies of records in the possession or control of LACAHSA. Once a CPRA Request has been received, LACAHSA should refrain from any records destruction relating to the subject matter of the request until notified by LACAHSA legal counsel or CEO to proceed with the normal destruction schedule. There are responsive deadlines set out in the law for responding to a request for records and any decision to deny access to such records (in whole or in part) must be justified by demonstrating that the record in question is exempt under express provisions of the CPRA , or by demonstrating that, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code section 7922.000.) Please consult with LACAHSA legal counsel on CPRA Requests.

B. Holds an Administrative or Fiscal Value

An official public record may be retained past its minimum retention period for operational purposes where the CEO or LACAHSA Board has determined that the record meets an administrative or fiscal need.

C. Holds an Historical or Archival Value

Official public records may also be retained past their retention period where they hold archival or historic value; by way of example, but not limitation, such records may be determined by the CEO or by the LACAHSA Board to contain information of continuing and enduring value to LACAHSA, provide valuable research data, or document the history and development of LACAHSA.

Archived records may be in any format and media, including paper, electronic, photographs, motion picture film, videos, and sound recordings.

D. Retention of Vital Records

A vital record is essential for the ongoing operation of LACAHSAs business. Vital records are those records that contain information critical to the operation of LACAHSAs and require immediate recovery and access during or immediately following a natural disaster or other event disrupting normal operations. Such records include, but are not limited to, those that contain information protecting LACAHSAs legal/financial interests or status.

Vital records should be identified by the CEO, with help from LACAHSAs legal counsel, and should be included as part of LACAHSAs disaster recovery and business continuity planning.

Necessary steps should be taken to protect and safeguard those records to ensure availability.

V. Contracted Services that Store Official LACAHSAs Records and Non-Records

The LACAHSAs records retention schedule, as set out below, applies to all ESI (as defined above), and all records, data and/or information (regardless of medium) that may be stored or purchased, leased, or rented including electronic storage equipment or devices that are geographically located within or external to the geographical boundaries of Los Angeles County.

The CEO shall ensure that all LACAHSAs contracts contain prescriptive language to ensure that contractors maintain, process, and (where applicable) store LACAHSAs records in a manner that ensures such data and information is appropriately retained and destroyed in accordance with this Policy, and applicable laws.

LACAHSAs contractors must also dispose of non-records (as defined above) as instructed by the CEO or as otherwise set out in the LACAHSAs contract, consistent and in compliance with this Policy and applicable laws.

VI. Policy Exceptions

There are no exceptions to this Policy.

VII. Effective Date

This Policy shall be effective on the date that it is adopted and approved by the LACAHSAs Board.

RECORDS RETENTION SCHEDULE

<u>Type</u>	<u>Title</u>	<u>Retention Period</u>
ADM	Administration	
	<u>Correspondence</u>	
	- Non-Member	3 years
	- Board Members	7 years
	- Policy and Procedures	Permanent
	- Accreditation	Permanent
CON	Contracts	
	<u>Agreements and Contracts</u>	7 years following end of contract
AF	Annual Filings	5 years from date of filing
E	Ethics	
	<u>Conflict of Interest (COI) Opinions</u>	Permanent
	<u>COI Letters/Correspondence</u>	Permanent
	<u>COI Complaints/Related</u>	Permanent
	<u>Annual Filings (e.g. Form 700)</u>	Permanent
BC	Board/Committees	
	<u>Meeting Notes</u>	5 years
	<u>Minutes - Committees</u>	Permanent
	<u>Resolutions</u>	Permanent
BOD	Governing Board	
	<u>Agendas</u>	Permanent
	<u>Meeting Notes</u>	5 years
	<u>Meeting Notices</u>	Permanent

	<u>Minutes of Board Meetings</u>	Permanent
	<u>Resolutions</u>	Permanent
MEM	Membership	
	<u>Member Records</u>	Permanent
	<u>Appointments, Nominations (e.g. Letters & Resolutions)</u>	Permanent
ELE	Officer Elections	
	<u>General</u>	Permanent
FIN	Financial (Retained by CEO and/or LACAHSAs-appointed fiscal agent)	
	<u>Accounts Payable</u>	Current + 7 years
	- Correspondence	
	- A/P Distributions Journal	
	- Cash Disbursements	
	- Expense Reports	
	- Invoices	
	<u>Accounts Receivable</u>	Current + 7 years
	- A/R Register	
	- Aged Trial Balance	
	- Invoices	
	<u>Audit Reporting</u>	Current + 7 years
	- Correspondence/Workpapers	
	- Reports	
	- State Controller's Report	
	<u>Banking</u>	Current + 7 years
	- Correspondence	

- Bank Confirmations
- Bank Reconciliations
- Bank Statements
- Canceled and Voided Checks
- Deposit Slips
- Signature Authorizations

Financial Reporting

Current + 7 years

- Correspondence
- Reports and Studies
- Chart of Accounts

Ledgers

Current + 7 years

- Account Analysis
- Balance Sheets
- General Ledger
- Journal Entries

INS Insurance (Where Applicable)

Memorandum of Coverage

Permanent

Insurance Policies

Permanent

Endorsements

Permanent

Premium Deposit Determination

Permanent

Retrospective Ratings

Permanent

Claims Audits

Permanent

Actuarial Studies

Permanent

	<u>Underwriting Files</u>	Permanent
	<u>Certificates of Insurance</u>	Permanent
LGL	Legal (Retained with LACAHSAs legal counsel and/or CEO)	
	<u>General Correspondence</u>	Permanent
	<u>Attorney Correspondence</u>	Permanent
	<u>Conflicts of Interest Code</u>	Permanent
	<u>Conflict of Interest Statements</u>	Permanent
	<u>All Claims Documents</u>	7 years (from closure)
	<u>Litigation</u>	7 years after litigation is concluded
	<u>Claims involving minors</u>	3 years from age of 18 or 7 years, which ever is longer (from closure)
	<u>Opinions</u>	Permanent
	<u>Loss Runs</u>	Current + 7 years
MIS	Miscellaneous	Permanent until reclassified