

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
RESOLUTION NO. 2023 - 11**

**A Resolution of the Board of Directors of the Bay Area Air Quality Management District
Adopting Amendments to the Air District's Record Retention Schedule**

WHEREAS, the Board of Directors ("Board") of the Bay Area Air Quality Management District ("Air District") is the governing body of the Air District and is charged with exercising the powers of the Air District pursuant to Health & Safety Code Section 40220;

WHEREAS, the Board has adopted a record retention schedule pursuant to Government Code Section 60201 to specify how long the Air District maintains public records;

WHEREAS, this record retention schedule is implemented by the Air Pollution Control Officer and Air District staff pursuant to Section 11 of Division I of the Air District's Administrative Code, Guidelines for Records Management and Access;

WHEREAS, an audit of the Air District's human resources management identified a shortcoming in the District's records management practices with respect to retention of confidential personnel records;

WHEREAS, the audit found that the Air District was maintaining confidential personnel records longer than legally necessary, and in some cases as long as 40 years after employees had separated from the District;

WHEREAS, to reduce the risk of unauthorized leaks of confidential personnel information, the audit recommended that the Air District revise the record retention schedule to specify that personnel records will be maintained for only as long as is required by statute or other governing principle, consistent with human resources best practices;

WHEREAS, staff have conferred with outside counsel with expertise in personnel matters and have confirmed that pursuant to Government Code Section 12946, personnel records and related files must be maintained for a period of four years after they are initially created or received, and for applicants and terminated employees, such records must be maintained for a period of four years after the employment action is taken;

WHEREAS, staff have prepared the attached revised record retention schedule to incorporate this four-year retention period for personnel records; and

WHEREAS, the Board wishes to adopt this revised record retention schedule to provide that confidential personnel records will be retained for four years as required by law and then destroyed thereafter, which will address the shortcoming identified by the human resources management performance audit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt the Record Retention Schedule as set forth in Attachment A hereto pursuant to authority granted by law, with instructions to staff to correct any typographical or formatting errors before final publication.

BE IT FURTHER RESOLVED that the Board of Directors of the Bay Area Air Quality Management District does hereby direct staff to implement this revised Record Retention Schedule in accordance with Section 11 of Division I of the Administrative Code.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the motion of DIRECTOR HUDSON, seconded by DIRECTOR CARLSON, on the 5th day of JULY, 2023 by the following vote of the Board:

AYES: BRIAN BARNACLE, JOHN J. BAUTERS, KEN CARLSON, NOELIA CORZO, JOELLE GALLAGHER, JOHN GIOIA, JUAN GONZALEZ, DAVID HAUBERT, LYNDA HOPKINS, DAVID HUDSON, DAVINA HURT, TYRONE JUE, SERGIO LOPEZ, RAY MUELLER, KATIE RICE, VICKI VEENKER, SHAMANN WALTON, STEVE YOUNG.

NOES: NONE.

ABSTAIN: NONE.

ABSENT: MARGARET ABE-KOGA, ERIN HANNIGAN, OTTO LEE, MYRNA MELGAR, NATE MILEY, MARK ROSS.

ATTEST:

DocuSigned by:
John Bauters
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John J. Bauters
Chair of the Board of Directors

DocuSigned by:
Lynda Hopkins
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Lynda Hopkins
Secretary of the Board of Directors

Attachment A – Record Retention Schedule

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

Record Retention Schedule

This schedule is a catalog of all record types employed by the Bay Area Air Quality Management District (Air District) in carrying out the work of the agency. Pursuant to California Government Code section 60201, this schedule and any revisions to the schedule must be adopted by the Air District Board of Directors. This schedule is a component of the Air District's records management program. Guidelines for the records management program are set forth in the Air District Administrative Code, Division I, Operating Policies and Procedures, Section 11. The purpose of this program is to maintain records in a manner that furthers the public purposes of the Air District while ensuring prompt and accurate retrieval of records and compliance with all legal requirements.

For each record type, the schedule establishes a retention period. The record types are sorted by retention period. Certain records will be kept permanently because of their continuing importance to the Air District and the public. For records not kept permanently, the schedule establishes a retention period. The retention period is the period of time that the Air District will keep a record after its "use period" is over. For most records, use occurs at a point in time, with the retention period beginning after this brief active use period. Most of the records in this schedule are of this type.

For certain records, the use period extends over a significant period of time. Examples include building blueprints, equipment manuals, contract documents, and grant documents. For these records, the schedule indicates the triggering event for the running of the retention period.

The substance of a record, rather than the format or medium in which it is held, determines the appropriate category for the record. Thus, paper records, emails, and electronic data alike acquire the retention period of the applicable substantive category.

BAAQMD Record Retention Schedule

Record type	Including these specific records:	Retention period
General		
General correspondence	General interoffice memoranda, general correspondence	3 years
Policies, procedures and workbooks	Policy documents, including enforcement policies and procedures, BACT/TBACT workbook, permit handbook, and source test protocols and plans	Revised + 7 years
Requests from public	Public records requests and responses	3 years
Boards and Executive		
Board audio and video records	Audio and video records of Advisory Council, Board of Directors, and committee meetings; Hearing Board hearings	1 year
Board files	Oaths of office, expense reports for Advisory Council, Board, Hearing Board, Board member correspondence, Board member travel authorizations and Board expense claims	End of term + 7 years
Board records	Board, Board committees, Hearing Board, Advisory Council and Advisory Council committees: agenda packages, minutes, reports, resolutions, and rosters	Permanent
Executive files	Chronological correspondence files, conflict of interest forms, lobbyist employer/lobbyist registration	7 years
Hearing Board docket	All case related files	Final compliance date + 7 years
Legislative and bill files	Bill file (documents, analyses, correspondence), Legislative Committee records	3 years
Administrative		
Bonds, insurance and warrants records	Bonds, property and liability insurance policies and documentation, warrants	Permanent
Building records	Building blueprints, building equipment information, building maintenance information, construction drawings & information, drawings – space plans, maintenance working records.	Life of building + 7 years
Cal OSHA reports	Cal OSHA reports and citations	7 years

BAAQMD Record Retention Schedule

Record type	Including these specific records:	Retention period
Contracts	Contract files and any related task orders or purchase orders, and any related bids, RFPs, RFQs or accepted proposals, contractor timesheets, contractor logs	Contract final expiration + 7 years
Fleet vehicle records	Vehicle maintenance expenses, vehicle mileage reports, vehicle request forms, vehicle registration fees, travel trip slips	Life of vehicle + 3 years
Mailroom records	Certified mail log, certified mail receipts – fee invoices, fee billing invoices, fee billing problem resolution files, returned mail (fee invoices and validations)	3 years
Physical security reports	Security guard activity reports	3 years
Rejected bids	RFPs/RFQs/evaluations/unaccepted proposals and bids	Fiscal year of bid + 3 years
Stockroom records	Stockroom requisitions	1 year
Tort and workers compensation claims	Tort claim liability files, worker's compensation files	Until closed + 7 years
Emission Monitoring, Source Testing, and Ambient Monitoring		
Emission monitoring records	Continuous emission monitoring (CEMS) monthly reports, CEM indicated excesses – source test evaluation forms, CEM approvals pursuant to Regulation 1, Section 522	Life of facility + 7 years
Laboratory samples and air quality monitoring data	PM 2.5 filters and PM 10 filters collected from sampling equipment, ambient air monitoring data – strip charts, air monitoring station log books, asbestos samples submitted for analysis, instrument log books, laboratory notebooks, results, methods of analysis, photo-micrographics, standard operating procedures	7 years
Meteorological and air monitoring data	Ambient air monitoring data – data logger data, forecasts, meteorological monitoring data, ground level monitoring data; ground level monitoring audit reports	Permanent
Meteorological reports	Meteorological reports	1 year

BAAQMD Record Retention Schedule

Record type	Including these specific records:	Retention period
QA/QC and calibration records	Lab, source test, and air monitoring equipment calibration records and QA/QC records, quality assurance manual	7 years
Source test results and raw data	Source test results and raw data from both the District and outside contractors, field accuracy test results, raw data, and reports, contractor-conducted source test notifications (ref: Volume IV, V, MOP)	Life of facility + 7 years
Technical equipment records	Manuals and maintenance records, 10% quality assurance analysis reports, additional records required by NVLAP accreditation program, audit records, blind sample analysis reports, inter-laboratory analysis reports, maintenance and calibration reports, proficiency test, quality control charts and data	Life of equipment + 3 years
Enforcement		
Activity authorization	Open burns, exemption petitions, tank pulls/excavations, PERP, landfill reports	7 years
Activity authorization	Asbestos dust mitigation plans, asbestos removal, naturally occurring asbestos reports	Permanent
Complaints	All complaint information including wood smoke and smoking vehicle complaints	7 years
Compliance records	Compliance advisories and compliance reports required by regulation (Regs. 8-5, 8-10, 8-17, 8-18, 8-40, 9-10)	7 years
Flare records	Flare minimization – approved plans (Reg. 12-12), flaring notifications and reports (Reg. 12-12), plan review documents (Reg. 12-12), flare monitoring reports (Reg. 12-11)	7 years
Inspection records	Inspection reports, internal correspondence on inspections	7 years
Title V reports	Title V semi-annual and annual reports, Title V 10-day and 30-day deviation reports	7 years
Violation records	Notice of Violation files and Notice to Comply files, including all supporting documentation	Lesser of 25 years or life of facility + 7 years

BAAQMD Record Retention Schedule

Financial

Accounts payable - general	General accounts payable invoices, general checks-cancelled or voided, Board of Directors travel and meeting expenses, credit card payments and records, travel expense reimbursement requests, fixed assets invoices	7 years
Accounts payable check register, reports	Accounts payable check register, accounts payable general ledger post report, accounts payable journal voucher report	3 years
Accounts payable - grants	Grant accounts payable files	End of project + 10 years (longer if required by grantor)
Accounts receivable - general	Bank check deposits/permit check deposits, supporting documents for check deposits, credit card reports and supporting documents	5 years
Accounts receivable - other	Wire transfers/NSF checks, other accounts receivable reports/registers	3 years
Budget - adopted	Annual adopted budget	Permanent
Budget - other	Draft budget, proposed budget and supporting documents, budget transfers and adjustments	3 years
Deposit records - general	General monthly bank statements, general bank reconciliations	7 years
Deposit records - grants	Grant bank statements and related records	End of project + 10 years (longer if required by grantor)
Fixed asset files	Acquisition/disposal/sale/surplus records for personal property; lease/rent schedule and supporting documents for leased property; inventory and schedule of infrastructure and buildings for real property	Asset disposal/lease expiration/life of building + 7 years
I-Bond (Goods Movement) documents	Grant financial files and supporting documents	35 years
Refunds/unclaimed property	Refund and unclaimed property files	3 years
Tax documents	1099, W9 and other related documents; Board of Equalization sales tax reports	7 years (longer if related to grant and required by grantor)

BAAQMD Record Retention Schedule

Year-end financial statements and related reports	Annual audited financial statements and related reports, journal entries and supporting documents, certificate of participation records/bonds	Permanent
Human Resources		
Employee accident and injury records	Accident files, employee injury (first aid) files	7 years
Employee benefit records	Tuition reimbursement, COBRA documentation, Section 125 documentation	7 years
Employee HR records	Disciplinary action log, employee workforce data, grievances & arbitrations, negotiations, complaint summary logs	Permanent
Employee recruitment records	Classification studies, class specifications, recruitment files, wage and salary data, acquisition records	7 years
Equal employment opportunity plan	Equal employment opportunity plan	Until replaced
Insurance benefits records	Insurance contracts, life insurance documentation, health insurance documentation	Life of policy + 3 years
Payroll records	Payroll registers, tickler files, timecards, vacation requests, family/medical leave requests	7 years
Payroll records	Payroll direct deposit records, CALPERS reports, Form 941 quarterly reports, payroll history YTD totals report, year end clearing/closing reports	Permanent
Personnel files	Personal and professional files of Air District employees, including disciplinary support files and discrimination complaint files	Last day of employment + 4 years
Personnel files	Application files for applicants for employment at the Air District	Date of hiring decision + 4 years
Tax records	457 deferred comp documents, W2, W2 reports, transmittal of W2	7 years
Training records	Training program files, employee training completion records	Permanent

BAAQMD Record Retention Schedule

Incentives

Grant files	Program audit documents, program eligibility guideline documents; grant application, review and decision documents; grant program financial records; grantee monitoring documents; internal activity and tracking documents; project audit documents	End of project + 5 years
I-Bond grant records	I-Bond grant files	35 years
Reports to CARB/EPA	Grant reports to CARB/EPA	7 years
Vehicle Buy Back program	Vehicle Buy Back program - copies of vehicle eligibility documents provided to District for review	3 years

Information Systems

IT system backups	System backups	Until replaced
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Legal

Legal records	Comments on legislative, administrative and hearing board matters	7 years
Legal records	Litigation-pleadings and orders, settlement agreements, opinions and advice files, rule interpretations/opinions, civil enforcement case records	Permanent

Permitting

Data update forms	Responses to facility data update questionnaires	Data entry + 3 years
EPA grants	EPA 105 grant documents	Final report + 3 years
Permit application records	Authority to Construct documents, Permit to Operate documents, banking documents, registration documents, application forms, permit exemptions	Life of facility or emission reduction credit + 7 years
Permit advisories	Advisories regarding permitting	7 years
Plant (facility) files	Permit documents, ownership/facility status records, emission-related documentation, regulatory plan submittals, source data forms	Life of facility + 7 years
Reports to CARB/EPA	Engineering reports to CARB/EPA	7 years
Toxics Hotspots records	Toxics emissions inventory reports, risk assessments	Life of facility + 7 years

BAAQMD Record Retention Schedule

Planning

Air quality plans	State and federal air quality plans and supporting documentation, including emission inventory and modeling records, environmental and socioeconomic review documents, and any associated plan-related reports to ARB or EPA	Permanent
CEQA records	CEQA comments as responsible agency or commenting agency	7 years
Emission inventory records	Final emission inventory reports and supporting material for greenhouse gases, criteria pollutants, and toxic air contaminants; emission inventory annual reports submitted to ARB CEIDARS database	Permanent

Public Relations and Outreach

Annual reports	Annual reports	Permanent
Community meeting records	Community outreach community meeting files and resource team records	7 years
Mailing lists	Mailing lists	Until replaced
News media records	News releases and clips	Permanent
Outreach documents	Brochures	Until replaced
Publications	Newsletters and other publications	7 years
Requests from public	Requests for general information, requests for publications, requests for speakers	3 years

Rulemaking

Rules and regulations	All versions of rules and regulations that were adopted or made available to the public; rule development files and any associated economic or environmental analyses	Permanent
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