

South Bay Cities Council of Governments

September 8, 2025

TO: SBCCOG Steering Committee

FROM: Jacki Bacharach, Executive Director
David Leger, Program Manager

SUBJECT: Updated Records Retention Schedule

BACKGROUND

The South Bay Cities Council of Governments (SBCCOG) Board of Directors adopted a records retention schedule via Resolution 00-02 in 2000. SBCCOG staff recently requested legal review of the retention schedule to ensure continued compliance with applicable laws.

ANALYSIS

SBCCOG legal counsel reviewed the adopted records retention schedule and determined that only minor changes were required to the existing categories. Additionally, legal counsel recommended that two categories be added: 1) general communication, not found elsewhere in the schedule; and 2) personnel files (which are not a public record). All proposed edits are included in the redlined schedule attached as Exhibit 2.

To adopt the new retention schedule, the Board of Directors must rescind the prior resolution (Resolution No. 00-02) and adopt a new resolution approving the new schedule. Resolution 2025-3 (Exhibit 1) both rescinds the prior resolution and adopts the new records retention schedule.

RECOMMENDATION

That the SBCCOG Board of Directors approve Resolution 2025-3 and the associated updated records retention schedule.

Attachments: Exhibit 1 – Resolution 2025-3
Exhibit 2 – Updated Records Retention Schedule

RESOLUTION OF THE SOUTH BAY CITIES COUNCIL OF
GOVERNMENTS RESCINDING RESOLUTION NO. 00-02 & ADOPTING AN UPDATED
RETENTION SCHEDULE FOR THE MAINTENANCE AND DISPOSITION OF RECORDS

WHEREAS, the keeping of numerous records is not necessary after a certain period of time for the effective and efficient operation of the government of the South Bay Cities Council of Governments ("SBCCOG");

WHEREAS, the approval of guidelines for the ongoing disposition of obsolete SBCCOG records will assist the SBCCOG in the effective management of records, as well as provide for the efficient review of records proposed for disposal; and

WHEREAS, Section 34090, et seq. of the Government Code of the State of California provides the parameters whereby any SBCCOG record which has served its purpose and is not longer required may be destroyed;

WHEREAS, the SBCCOG Board of Directors previously approved Resolution No. 00-02 which adopted a Records Retention Schedule.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SOUTH BAY CITIES COUNCIL OF GOVERNMENTS FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

Section 1. Resolution No. 00-02 is hereby rescinded in its entirety and of no further force and effect.

Section 2. The attached Records Retention Schedule, which is attached hereto and incorporated herein by this reference, is hereby approved.

Section 3. That the types of records identified in the Records Retention Schedule, generated or received by the SBCCOG are hereby authorized for disposition as outlined in that schedule, in accordance with Section 34090, et seq. of the Government Code of the State of California, upon the written consent of the SBCCOG Executive Director ("Executive Director") and SBCCOG Legal Counsel ("Legal Counsel"), and with the approval of the Board of Directors of the SBCCOG.

Section 4. That upon said written consent and approval, the SBCCOG Executive Director may destroy any SBCCOG record, document, instrument, book or paper, under his or her charge, without making a copy thereof after the same is no longer required. This resolution does not authorize the destruction of permanent records set forth in Government Code Section 34090, which include: (a) records affecting the title of real property or liens thereon; (b) court records on any subject where litigation is pending; (c) records required to be kept by statute; (d) records less than two years old; (e) the minutes, ordinances or resolutions of the legislative body or of the SBCCOG Board. The review by the Executive Director and Legal Counsel shall include the determination that the subject records no longer have any administrative value, legal value, evidential value, fiscal value or research and historical value.

Section 5. That the destruction of any record as provided for herein shall be by disposal, recycling, shredding or other effective method of destruction, as approved by the Executive Director. All records of a sensitive or confidential nature shall be shredded, under the direct supervision of the Executive Director.

Section 6. Pursuant to Section 34090.7 of the Government Code of the State of California, notwithstanding the provisions of Section 34090, the Board may prescribe a procedure under which duplicates of SBCCOG records less than two years old may be destroyed if they are no longer required.

Section 7. The Board hereby authorizes the SBCCOG Executive Director and SBCCOG Legal Counsel to destroy duplicate records, utilizing Exhibit "B," attached hereto.

Section 8. That the term "record" or "records," as defined in Government Code Section 14741 and as used herein, shall mean all papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by the SBCCOG, regardless of physical form or characteristics; that the term "public records," as defined in Government Code Section 6252 and used herein, shall include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the SBCCOG regardless of physical form or characteristics; and that the term "writing," as defined in Government Code Section 6252 and as used herein, shall mean handwriting, typewriting, printing, photostating, photographing and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbol, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

Section 9. That any records not specified in the Records Retention Schedule shall not be destroyed without the express approval of Legal Counsel and a resolution acted upon by the SBCCOG Board.

Section 10. That on each occasion that the Executive Director requests the destruction of records, such request shall be made on a "Request for Destruction of Records" form (see attached sample identified as Exhibit "A"). This form shall include the finding that all of the records are more than two years old and/or have been retained for the minimum retention period as specified in this resolution. This form shall include the determination that the records no longer have any administrative, legal, evidential, and fiscal or research and historical value. This form shall also indicate that it includes or has attached to it a detailed list of all of the records with a description sufficient for identification, including the year of the record, the numerical code from the Records Retention Schedule and category, and specific description of the record. The Executive Director and Legal Counsel shall authorize the destruction of records on a "Destruction List Approval" form (see attached sample identified as Exhibit "B"). This form shall include the determination that the records no longer have any administrative, legal, evidential, fiscal, research or historical value. This form shall also indicate that attached to it is the "Request for Destruction of Records" form and a detailed list of records submitted by the Executive Director. A "Certificate of Destruction" form (see attached sample form identified as Exhibit "C") shall be completed when the records have been destroyed. This form shall stipulate the date of the destruction, the destruction method used and who supervised the destruction. All

three forms shall be maintained as permanent SBCCOG records in the Executive Director's office. While the attached sample forms may be changed periodically and may even be consolidated, each of them shall retain the titles shown and shall contain the required information specified in this section.

Section 11. Pursuant to Government Code Section 6200 relating to offenses by official custodian, every officer having the custody of any record, map or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, is punishable by imprisonment in the state prison for two, three or four years if, as to the whole or any part of the record, map, book, paper or proceeding, the officer willfully does or permits any other person to do any of the following: (a) steal, remove or secrete; (b) destroy, mutilate or deface; or (c) alter or falsify. Pursuant to Section 6201, relating to offenses by persons other than custodial officers, every person not an officer referred to in Section 6200, who is guilty of any of the acts specified in that section, is punishable by imprisonment in the state prison, or in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

Section 12. That this resolution shall be in full force and effect immediately upon its passage and adoption thereof.

Section 13. The Executive Director of the SBCCOG shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED, and ADOPTED by the South Bay Cities Council of Governments Board of Directors this day of September 25, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Chair, Board of Directors

Jacki Bacharach, Board Secretary

SAMPLE FORM – EXHIBIT “A”

REQUEST FOR DESTRUCTION OF RECORDS

Listed below and/or attached is a detailed list of records for which I am requesting destruction. The list includes a description of each record sufficient for identification, including the retention schedule item no., record series title and contents, record dates, retention requirements and destruction date. Unless otherwise directed is the method of destruction proposed.

I hereby certify that the records listed below and/or attached are more than two years old and/or have been retained for the minimum retention period specified in Resolution No. 2025-3. I further certify' that the records listed no longer have any administrative, legal, evidential, fiscal or research and historic value and do not affect the title to real property or liens thereon, are not court records, are not, to my knowledge, required to be kept further by a statute, are not the minutes, ordinances or resolutions of the SBCCOG Board or of any Committee or Standing Committee, and are no longer required by the SBCCOG. I request authority to destroy same pursuant to Section 34090 of the California Government Code.

<u>Box No.</u>	<u>Record Series Title & Contents</u>	<u>Retention Schedule Date(s) of Item No. Records</u>	<u>Retention Requirements</u>	<u>Date</u>	<u>Destruction</u>
I	Correspondence	4	1991-1992	2 years	1995

SBCCOG Executive Director

Date

SAMPLE FORM – EXHIBIT “B”
DESTRUCTION LIST APPROVAL

Attached is a Request for Destruction of Records submitted by the SBCCOG Executive Director, dated _____ requesting authorization to destroy the records described in the detailed list which is included with the (attached) request.

Pursuant to SBCCOG Resolution No. 2025-3 the types of records listed in the SBCCOG's current records retention schedule are authorized for disposition as outlined in that schedule upon the written consent of the Executive Director and Legal Counsel. The review by the Executive Director and Legal Counsel must include the determination that the records requested for destruction no longer have any administrative value, legal value, evidential value, fiscal value, or research and historical value. The resolution also provides that the destruction of any record shall be by disposal, recycling, shredding or other effective method of destruction, as approved by the Executive Director. All records of a sensitive or confidential nature must be shredded, under the direct supervision of the Executive Director.

I have reviewed the list of records described in the attached request for destruction and have found the listed records to be in compliance with the established retention requirements. I have also determined that the subject records no longer have any administrative, legal, evidential, fiscal, or research and historical value. I hereby consent to their destruction and to the department-proposed method of destruction unless otherwise noted below.

SBCCOG Executive Director

Date

I have reviewed the list of records described in the attached request for destruction and have found the listed records to be in compliance with the established retention requirements. I have also determined that the subject records no longer have any administrative, legal, evidential, fiscal, or research and historical value. I hereby consent to their destruction.

SBCCOG Legal Counsel

Date

SAMPLE FORM - EXHIBIT "C"

CERTIFICATE OF DESTRUCTION

I hereby certify~ that the destruction of the records described in the attached list was approved by the SBCCOG Executive Director on (date) _____ and by the SBCCOG Legal Counsel pursuant to the authority provided by the SBCCOG Resolution No. 2025-3. The approved method of destruction for these records is _____

SBCCOG Executive Director

Date

I hereby certify~ that, pursuant to the foregoing authority, the records described in the attached list were destroyed on (date) _____. I further certify~ that the method of destruction used was _____ and that I supervised the destruction of said records.

Signature

Title

Date

This certification must be completed and signed by the person supervising the destruction of records and the original form must be filed with the SBCCOG Executive Director to be maintained as a permanent record attached to the original Request for Destruction of Records to be maintained as a permanent record attached to the original Request for Destruction of Records and Destruction List Approval forms.

Exhibit 2

RECORDS RETENTION SCHEDULE SOUTH BAY CITIES COUNCIL OF GOVERNMENTS

ITEM NO.	RECORD SERIES TITLE AND CONTENTS	RETENTION PERIOD	NOTES
1.	Agreements and Contracts (including those with SCAQMD and MTA): Executed documents, amendments, and exhibits; Correspondence and backup data	C+10	C (Closed/Completed) represents completion of all terms of the agreement or contract. Citation: California Code of Civil Procedure, Section 337.15
2.	Bids/Proposals Files, including for OWP Projects (Successful Bidders): Requests for bids/proposals; Bids/proposals received; Specifications, correspondence, and backup data	C+10	C (Closed/Completed) represents completion of all terms of the executed contract or agreement with the organization submitting the successful bid or proposal. Citation: California Code of Civil Procedure, Section 337.15
3.	Bids/Proposals Files (Unsuccessful Bidders): Bids/proposals received	2	Citation: California Government Code, Section 34090
4.	Correspondence Files: Incoming correspondence; Outgoing correspondence	2	Citation: California Government Code, Section 34090
5.	Board, Committee and Standing Committee* - Agendas, Minutes, Resolutions *Includes COG Board, Committee, including: LAX Standing Committee, Transportation Oversight Committee, Steering Committee; Standing Committees, and other Committees; subcommittees and working groups, when applicable	P	Citation: California Government Code, Section 34090
6.	Board, Committee and Standing Committee Meetings - Notices: Notices of adjournment; Notices of special meetings; Notices of rescheduled meetings; Declarations of posting	5	Citation: California Government Code, Section 34090
7.	Board, Committee and Standing Committee Meetings - Sign in sheets	2	Citation: California Government Code, Section 34090
8.	City Manager's Association - Correspondence	2	Citation: California Government Code, Section 34090
9.	Committee and Standing Committee - Members Records: Applications; Certificates; Tasks, roles; Oaths; Letters of appointment; Letters of resignation; Correspondence	T+2	For this record series, T (Termination) represents termination of member participation in a committee. Citation: California Government Code, Section 34090

RETENTION CODES:

A Audit

C = Closed/Completed

P = Permanent

S = Superseded

T Termination

627037.1

ITEM NO.	RECORD SERIES TITLE AND CONTENTS	RETENTION PERIOD	NOTES
10.	Committee and Standing Committee - Applications (Unsuccessful): Applications; Correspondence	2	Citation: California Government Code, Section 34090
11.	Contractor Accounts Payable Files: Invoices; Copies of check stubs and checks; Correspondence and backup data; Purchase orders	A+5	Note: Before destruction occurs, these files should be reviewed to determine if they are required for support of grants or other funding programs whose retention requirements exceed those of audit plus 5 years. Citation: California Government Code, Section 34090
12.	COG Historical Files: Selected historical records, including: JPA Agreements; Incorporation Documents (Articles and Bylaws); Maps and drawings; Photographs; Reports and studies; Articles and news clippings; COG publications; COG newsletters; Press releases; TAC (old JPA) documents.	P	Citation: California Government Code, Section 34090
13.	Election Records (Council) - Correspondence and backup data	2	Citation: California Government Code, Section 34090
14.	Grants - Grant administration and implementation files, including grants from MTA: Applications and supporting data; Consultants/contractors records; Bids and selection documentation; Correspondence and supporting data; Budgeting and financial data; Reports to granting agency; Labor compliance documentation (when required); Environmental documentation (when required); Audits, approvals and releases (grant completion documentation); Rules and procedures	C+ 4 ⁵	Note: This record series is for records of grants (federal, state or local) received by the COG. For this record series, C (Closed/Completed) represents date of last expenditure report, or until resolution of all issues arising from litigation, claim, audit, or other action involving the records, whichever is later. Citation: 7 CFR 3016.42
15.	Job position information (announcements); Coordinator position information; Consultant listings; Applicant responses and resumes; Correspondence and backup data	C+3	Citation: 29 CFR 1627.3
16.	Legislator's forums: Position papers	2	Citation: California Government Code, Section 34090
17.	Policies and Procedures	P	Citation: California Government Code, Section 34090

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ITEM NO.	RECORD SERIES TITLE AND CONTENTS	RETENTION PERIOD	NOTES
18.	Overall Work Program (OWP) projects, including : Clean Air Strategy; Growth Forecast Process; Housing Legislation; Information Technology; Livable Communities, Recreational Open Space Strategy; Signal Synchronization Project; Transportation Programs; South Bay Corridor Study; RTP In put; RCP Information, and others; Scopes of work; Quarterly reports; Project products (such as reports, plans and regulations); Program development materials; Budgeting data; Promotional materials (press releases, flyers); Correspondence and memos; Itineraries/schedules; Program progress reports (to funding agency); Program financial reports (to funding agency); Correspondence with funding agency; Program rules and procedures; Audit reports (if audited); Completion documentation (release from funding agency); Supporting data	C+4	Note: Includes programs, special events, activities, courses, and classes where COG receives funding and program direction from external organizations. This includes grant-funded programs and other special fund distributions. COG administers the program at the local level, but follows rules and procedures specified by the funding agency. For this record series, C (Completion) represents completion of all terms of the funding agreement with the funding agency, including audit and release if specified. Citation: California Government Code, Section 34090
19.	Non-Overall Work Program (OWP) projects: Economic Development: South Bay Adjustment Strategy MTA Long-Range Plan	C+4	Note: Includes programs, special events, activities, courses, and classes where COG receives funding and program direction from external organizations. This includes grant-funded programs and other special fund distributions. COG administers the program at the local level, but follows rules and procedures specified by the funding agency. For this record series, C (Completion) represents completion of all terms of the funding agreement with the funding agency, including audit and release if specified. Citation: California Government Code, Section 34090
20.	Roster/mailling lists; stationery	S + 2	Citation: California Government Code, Section 34090
21.	Records management - COG Retention Schedules; Destroyed records; Stored records; lists and approvals	P	Citation: California Government Code, Section 34090 Note: Keep old lists for reference.
22.	Statements of Economic Interest - Forms 721- <u>Form 700</u> . Officeholders' statements; Appointees' statements; Candidates' statements	4	Duplicate series. Official is with the FPPC. Citation: California Government Code, Section 81009 81009(f), (g)
23.	Statements of Economic Interest - Forms 730- <u>Form 700</u> <u>E</u> Designated COG employees' statements	7	Citation: California Government Code, Section 81009 81009(e), (g) <u>GC 84615, and FPPC Regulations 18944 and 18944.1</u>

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ITEM NO.	RECORD SERIES TITLE AND CONTENTS	RETENTION PERIOD	NOTES
24.	Subregions files - government agencies: Correspondence and memos; Reports and studies; Publications; Backup data	2	Note: Examples include FPPC, County of Los Angeles, MTA and municipalities. This record series is for general correspondence and communications with government agencies. Citation: California Government Code, Section 34090
25.	Workshop records (including Goals Workshop sessions and results)	2	Citation: California Government Code, Section 34090
<u>26</u>	<u>General Communication, not found elsewhere in this schedule, including emails</u>	<u>2</u>	<u>Citation: California Government Code, Section 34090</u>
<u>27</u>	<u>Personnel files --Not a public record.</u> <u>All employee records may include release authorizations; certifications; reassignments; outside employment; commendations; disciplinary actions; terminations; oath of Office; pre-employment medical evaluations; fingerprints; identification cards (ID's); DMV pull records; I-9's, etc.</u> <u>Employee Accident/Exposure/Worker's Compensation Files</u> <u>Not a public record</u> <u>For Employee Medical Records & Employee Exposure Records regarding exposure to toxic substances or harmful physical agents; -- Includes Material Safety Data Sheets (MSDS); includes ALL injury/accident reports.</u> <u>Does NOT include: records of health insurance claims maintained separate from employer's records; first aid records of one-time treatments for minor injuries; records of employees who worked less than one (1) year if records are given to employee upon termination</u>	<u>Length of employment + 3 years</u> <u>Separation + 30 years</u>	<u>California Government Code, Sections 12946, 7927.700, 29 CFR 1627.3, 29 CFR 1627.3, LC 1174, GC 34090</u> <u>8 CCR 3204(d)(1)(A)(B), California Government Code, Section 7927.700.</u>

* Copies of SCAG documents shall be destroyed pursuant to Government Code § 34090.7 and Resolution No.

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