



POLICY TITLE:
Records Retention and Destruction Policy
ADOPTED BY BOARD OF HARBOR COMMISSIONERS:
May 14, 2018
EFFECTIVE DATE:
This Administrative Policy is effective upon approval by the Board of Harbor Commissioners.
BACKGROUND/PURPOSE
The purpose of this Policy is to authorize guidelines regarding the retention of records of the Oxnard Harbor District (the "District"), including electronic records, the destruction of records in the normal course of business; the prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.
AUTHORIZATION
<p>(1) Under Government Code sections 60200 <i>et seq.</i>, the Board of Harbor Commissioners is authorized to provide for the destruction of any category of records by complying with a records retention policy that has been adopted by resolution.</p> <p>(2) Pursuant to the resolution adopting this Policy and except where prohibited by State or federal law, the Board of Harbor Commissioners approves the destruction of any original document without retaining a copy of the document as long as the retention and destruction of the document complies with the District's Administrative Guidelines and Procedures for Records Management authorized by this Policy and promulgated hereunder. (Gov. Code § 60201.)</p> <p>(3) Pursuant to the resolution adopting this Policy, the CEO/Port Director and the Clerk of the Board have ongoing authorization to destroy any duplicate record, paper or document, in accordance with Government Code sections 53161 and 60200.</p>
IMPLEMENTATION PROCESS
The CEO/Port Director, upon the advice and consent of the General Counsel, shall promulgate and revise as necessary a set of Administrative Guidelines and Procedures for Records Management for the District in compliance with applicable law. Upon such promulgation and upon substantive revisions, the CEO/Port Director shall provide a copy to the Board of Harbor Commissioners as part of the CEO/Port Director's regular report to the Board at a regular meeting of the Board.



GENERAL INFORMATION AND GUIDELINES

The Administrative Guidelines and Procedures for Records Management promulgated by the CEO/Port Director in accordance with this Policy shall include the types of records that may be destroyed or disposed of, and reasonably identify the information contained in the records of each category, including the category of electronic records which include any form of electronic communication including but not limited to emails, text messages, or instant messages regardless of the medium that they are stored on or transmitted by.

RELATED POLICIES AND PROCEDURES:

Administrative Guidelines and Procedures to be promulgated by the CEO/Port Director, incorporated herein as though fully set forth.

RESOLUTION NO. 1184

**A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS
OF THE OXNARD HARBOR DISTRICT ADOPTING REGULATIONS
REGARDING THE DESTRUCTION OR DISPOSITION OF DISTRICT
RECORDS**

WHEREAS, Government Code section 60201 permits the legislative body of the Oxnard Harbor District (the "District") to adopt a resolution regarding the destruction or disposition of any category of records; and

WHEREAS, in 2011, the District adopted a records retention policy titled "Destruction of Certain Public Records" (RES-1078); and

WHEREAS, "records" consist of any "writing" as defined by subdivision (g) of Section 6252 of the Government Code, , including any form of electronic communication including but not limited to emails, text messages, and instant messages regardless of the medium that it is stored on or transmitted by; and

WHEREAS, communications related to the conduct of public business do not cease to be public records simply because they were sent or received using a personal account or personal device.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The recitals listed above are true and accurate.

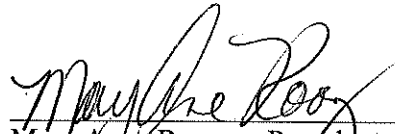
Section 2. The Board of Harbor Commissioners hereby rescinds any and all prior records retention policies adopted by this Body or promulgated by District staff, including RES-1078.

Section 3. In compliance with the California Environmental Quality Act (CEQA), the Board of Harbor Commissioners finds that the regulations contained within this resolution are exempt under State CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that there is no possibility that the activities in question may have a significant effect on the environment. District staff is directed to file the appropriate Notice of Exemption with the County of Ventura.

Section 4. The Board of Harbor Commissioners hereby adopts Policy No. 109, "Record Retention and Destruction," attached hereto as Exhibit A, and further finds that this resolution and the Policy adopted pursuant thereto concerning the destruction or disposition of District records will not adversely affect any interest of the District, including on its customers or of the public generally.

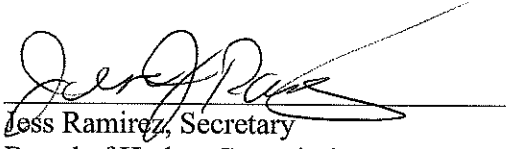
Section 5. The Chief Executive Officer and Port Director is hereby authorized and empowered to execute in the name of the Oxnard Harbor District all necessary documents to implement and carry out the purpose of this resolution, including the promulgation and adoption of Administrative Guidelines and Procedures for Records Management, which speak in greater detail to the District's procedures relating to the destruction or disposition of District records.

APPROVED, ADOPTED AND SIGNED this 14 day of May 2018.



Mary Anne Rooney, President
Board of Harbor Commissioners
Oxnard Harbor District

ATTEST:



Jess Ramirez, Secretary
Board of Harbor Commissioners
Oxnard Harbor District

RESOLUTION NO. 1078

**A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS
OF THE OXNARD HARBOR DISTRICT
AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS**

WHEREAS, Government Code Section 60201 and Section 53161 applicable to special districts allows the Oxnard Harbor District to destroy certain public records of the District upon resolution by the Board of Harbor Commissioners; and

WHEREAS, the Oxnard Harbor District has numerous files and boxes of documents dating back to the formation of the Oxnard Harbor District in 1937 and thereafter, some of which are public records and some of which are not; and

WHEREAS, the Board of Harbor Commissioners finds that it is desirable for the Oxnard Harbor District to destroy certain of these writings, documents and records, whether public records or not, where the writings, documents and records are more than five (5) years old and are determined by the Executive Director of the District, in consultation with the District's legal counsel, to be no longer necessary to maintain;

NOW, THEREFORE, the Board of Harbor Commissioners does hereby resolve, determine and order that:

1. Except as provided in Paragraph 2, below, the Executive Director of the Oxnard Harbor District, upon consultation with the District's legal counsel, may destroy all writings, documents and other records, whether public or not, of the Oxnard Harbor District more than ten (10) years old, where the destruction of such records will not adversely affect any interest of the District or the public.
2. The Oxnard Harbor District may not destroy or dispose of any record that is any of the following:

(A) Relates to formation, change of organization, or reorganization of the District;

(B) An ordinance adopted by the District. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of five (5) years after it was repealed or became invalid or unenforceable.

(C) Minutes of any meeting of the legislative body of the District.

(D) Relates to any pending claim or litigation or any settlement or other disposition of litigation within the past two (2) years.

(E) Is the subject of any pending request made pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), whether or not the District maintains that the record is exempt from disclosure, until the request has been granted or two (2) years have elapsed since the District provided written notice to the requester that the request has been denied.

(F) Relates to any pending construction that the District has not accepted or as to which a stop notice claim legally may be presented.

(G) Relates to any nondischarged debt of the District.

(H) Relates to the title to real property in which the District has an interest.

(I) Relates to any nondischarged contract to which the District is a party.

(J) Has not fulfilled the administrative, fiscal, or legal purpose for which it was created or received.


(K) Is an unaccepted bid or proposal, which is less than two (2) years old, for the construction or installation of any building, structure, or other public work.

(L) Specifies the amount of compensation paid to District employees or officers or to independent contractors providing personal or professional services to the District, or relates 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 seven (7) years after the date of payment.

3. The District shall maintain a list, by category, of the types of public records destroyed or disposed of that reasonably identifies the information contained in the records in each category.

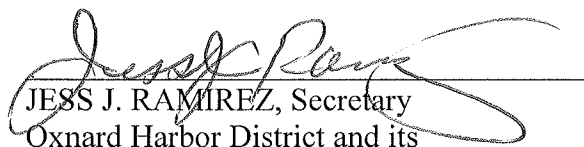
4. Duplicates of District records less than two (2) years old may be destroyed if they are no longer required to be maintained in the opinion of the Executive Director of District.

ADOPTED at a regular meeting of the Board of Harbor Commissioners on July 25, 2011.



JESS HERRERA, President
Oxnard Harbor District and its
Board of Harbor Commissioners

ATTEST:



JESS J. RAMIREZ, Secretary
Oxnard Harbor District and its
Board of Harbor Commissioners