

APPENDIX A

REDWOOD COAST ENERGY AUTHORITY RECORDS RETENTION POLICY

1. Purpose

The purpose of this policy is to provide guidelines for retention and eventual disposition (archival transfer or destruction) of Redwood Coast Energy Authority (RCEA) records in a manner consistent with record management principles set forth by the California Secretary of State pursuant to California Government Code §12236 and other applicable state and federal laws and regulations.

2. Statement of Policy

Numerous state and federal provisions mandate minimum retention times for different types of public records. In addition, the California Secretary of State's *Local Government Records Management Guidelines* states that "Effective Records Management ensures that records are kept only as long as they have some administrative, fiscal or legal value. When records no longer fulfill the value for which they were created, they should be destroyed." Accordingly, to satisfy statutory minimum retention requirements while maintaining effective records management, RCEA hereby adopts this policy and the records retention schedule provided in Exhibit A, attached hereto and incorporated herein ("Records Retention Schedule").

The Records Retention Schedule reflects applicable law and RCEA's records management needs to the greatest extent possible. Legal reference citations in the Schedule are intended as guidance reference to allow staff to make informed decisions about record management.

For purposes of this policy, a record is any writing or recording pertaining to RCEA's business, prepared, owned, used or retained by RCEA in the normal course of business, regardless of whether the writing is in paper, electronic, or other form.

3. Records Retention and Disposition

a. Retention

Except where otherwise provided in this policy or in state or federal law or regulation, RCEA shall retain all records in accordance with the time period specified in the Records Retention Schedule. If specific records are not listed in Exhibit A, RCEA shall follow the retention time period required under applicable law or regulation. If any retention period listed in the Records Retention Schedule changes due to amendments in law or regulation, RCEA will retain those records pursuant to the law as amended without the need for formal revision of the Records Retention Schedule. This schedule reflects RCEA's needs as best as possible.

Unless an original is required pursuant to this Policy, to a contract provision, or required by law, RCEA may destroy physical copies of records or duplicate electronic copies of records and keep an electronic copy as a permanent record, provided the retained electronic record

accurately and legibly reproduces the original thereof in all details and the electronic copy does not permit additions, deletions or changes to the original document images.

b. Disposition.

The Board Clerk is authorized to destroy identified records after expiration of the retention time period specified in the Records Retention Schedule only upon the written approval and signature of the Executive Director and RCEA General Counsel.

c. Exceptions.

Records shall be held longer than the time period specified in the Records Retention Policy under the following circumstances:

- 1) Records under a “legal hold” that are the subject of pending litigation, judicial proceeding, administrative proceeding, judicial or administrative subpoena or order, or records reasonably related thereto, shall be retained for the duration of the underlying proceeding or legal cause.
- 2) Transitory writings, the retention of which is not necessary for the discharge of an RCEA officer or employee’s official duties, may be disposed of when they have fulfilled the brief, limited purpose for which they were created, and are not subject to the retention periods attached. Such writings not retained in the ordinary course of business include preliminary drafts, notes, preliminary calculations, non-substantive follow-up communications or reminders, and ephemeral electronic communications such as texts and chats.
- 3) Program records created for or in conjunction with an RCEA project or program may be required to be retained for periods longer than listed in Exhibit A as specified in grant agreements or program-specific regulations. In the case that retention periods for program records are different than the schedule listed in Exhibit A, the program records will be retained for the period which is greatest.
- 4) Records may be retained longer than the retention period specified in the Records Retention Schedule due to the ongoing and justifiable need by RCEA staff in performance of job duties upon the written approval of the Executive Director.

This policy has been adopted by Resolution No. 2026-2 of the Board of Directors of the Redwood Coast Energy Authority.