

Staff Report

for the Regular Meeting of the Board of Directors, May 10, 2017

TO: The Board of Directors
FROM: Kris Stepanian, Board Secretary
DATE: May 3, 2017
SUBJECT: Audio Archive Policy

ADMINISTRATION

RECOMMENDATION:

Adopt Resolution No. 2017-11 to Amend Administrative Policies Pertaining to Audio Recording and District minutes as official record of the District, as recommended by the Administrative Practices Committee.

BACKGROUND:

At the Board Meeting on March, 8, 2017, the Board voted unanimously to establish an audio archive of meetings with indexing so that particular index items can be bookmarked and accessed easily and quickly, and that those audio files be downloadable so that members of the public can make their own audio archive if they so wish. The audio recordings would be retained by the District as the official record of the District, and available to the public upon public request.

On May 2, 2017, Administrative Practices Committee recommended to move this item forward to the Board to amend policies and to align the retention of the supporting materials with the District's standard retention policy. Upon the Board's approval, the audio retroactively becomes the legal record of the District and supersedes the written minutes for all Regular and Special Board Meetings held in 2017.

BUDGETARY IMPACT:(Currently an unbudgeted item)

Minimal cost at approximately \$148- annually
Equipment Purchased to date \$689-

[KSt]

Attachments (1): Resolution 2017-11

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: Records Retention
POLICY NUMBER: 1060

- 1060.1 Purpose. To manage a program for the records of the Nevada Irrigation District that will identify, maintain, safeguard, and dispose of records in the normal course of business; to ensure prompt and accurate retrieval of records; and to ensure compliance with legal and regulatory requirements.
- 1060.2 Scope. The Records Retention Schedule applies to all records of the Nevada Irrigation District, and is available through the Board Secretary's office.
- 1060.3 Program Responsibilities. The Board Secretary as Records Manager administers, coordinates, monitors, and interprets this policy. Any perceived difference between this written policy and the Records Retention Schedule is to be resolved by the Board Secretary. Except as expressly provided by the Board, the Board Secretary shall have the authority to amend the Records Retention Schedule to provide for disposal of records which the Board Secretary interprets as subject to the Records Retention Schedule. All Departments shall comply with and implement this policy.
- 1060.4 Electronic Documents. The Records Retention Schedule applies to electronic documents and data, including emails transmitted and received for District projects, e-mail headers, summaries, addresses associated with e-mails and attached files or text. Most casual e-mails are considered "transitory" and can be discarded as their purpose is served (lunch appointments, etc.).
- 1060.4.1 Audio recordings of Board and special meetings will be maintained for the life of the District. These recordings are considered the official record of the District.
- 1060.5 General Policy. Pursuant to provisions of Government Code Sections 60200 through 60203, Water Code Section 21403, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following shall govern the retention and disposal of records of the Nevada Irrigation District.
- 1060.5.1 Duplicate records, papers, and documents may be destroyed at any time without the necessity of Board authorization or transfer to an electronic file or media.
- 1060.5.2 Originals of records, papers, and documents, not otherwise governed by this Records Retention Schedule and more than two years old, that were prepared or received in any manner other than pursuant to State or Federal statute, may be destroyed upon Board

authorization without the necessity of transfer to an electronic file or media.

- 1060.5.3** In no instances are records, papers, or documents to be destroyed where there is a continuing need for records for matters such as pending litigation, special projects, etc. This includes all records which relate to a matter for which the statute of limitations has not run on any potential legal or administrative action arising therefrom.
- 1060.5.4** Accounting Records – Except as provided for in the Records Retention Schedule, no accounting records are to be destroyed unless there is a permanent file of audit reports for the inclusive period of the records, and such audit reports must contain an unqualified opinion and have been prepared in accordance with requirements of Federal, State, and District regulations.
- 1060.5.5** Payroll and Personnel Records – Personnel folder documents pertaining to each employee may be kept as hard copy in the authorized and locked file cabinets provided for these folders. Upon retirement, death or termination, the file may be transferred to an electronic file or media at the end of the first full year following active employment and the originals destroyed.
- 1060.5.6** Minutes of the Board of Directors meetings – Maintained permanently (hard copy and electronic media).
- 1060.5.7** Long Term Debt – Records concerning long-term debt shall be maintained for the term of the debt plus three years after final payment.

 - 1060.5.7.1** Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if transferred to an electronic file or media.
 - 1060.5.7.2** Terms and conditions of bonds, warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than ten years if transferred to an electronic file or media.
 - 1060.5.7.3** Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for ten years.
- 1060.5.8** Construction Records – Construction records, such as accepted bids, correspondence, change orders, etc., should not be kept in excess of ten years from substantial completion of work unless they pertain to a project which includes a guarantee or grant and, in that event, they should be kept for the life of the guarantee or grant plus ten years. As-built plans and specifications for any public facility or works should be retained for the life of the facility.
- 1060.5.9** Environmental Documents – California Environmental Quality Act (CEQA) records shall be kept permanently (hard copies will be transferred to electronic media after 10 years, and the hard copy will be destroyed). CEQA records include reports and minutes of public meetings or other scoping meetings with interested parties during the CEQA process, including pre-project meetings, during project implementation, and post-project meetings.
- 1060.5.10** Contracts – Except as provided in the Records Retention Schedule, contracts should

be kept for their life, plus ten years.

- 1060.5.11** Property Records – Property records should be kept as long as the District retains an interest in the property.
 - 1060.5.12** Public Records Act Requests – Records subject to any pending request made pursuant to the California Public Records Act shall not be destroyed, until the request has been granted or two years have elapsed since the District provided written notice to the requester that the request has been denied.
 - 1060.5.13** Vital Records – Vital Records shall not be destroyed. They may be transferred to electronic file or media in accordance with the Records Retention Schedule.
 - 1060.5.14** Records Retention Schedule – All records, the disposal of which are not provided for in this written policy, are to be disposed of pursuant to the Records Retention Schedule.
- 1060.6** Adherence to these procedures will help to assure acceptance of the District's Records Retention Schedule for legal purposes.

Adopted: February 11, 2015 via Resolution No. 2015-05

Revised: May 10, 2017 via Resolution No 2017-11

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: Members of the Board of Directors

POLICY NUMBER: 4050

- 4050.1 Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. To improve the productivity of Board meetings, staff should be consulted prior to the meeting to clarify any questions or to provide further materials that may be needed.
- 4050.1.1 Information exchanged before meetings shall be distributed through the Secretary to the Board, to ensure all Directors and staff will receive all information being distributed.
- 4050.1.2 Copies of information exchanged before meetings shall be made available to the public at the time of distribution, with copies available for those in attendance, and shall also be provided to anyone not present upon their request.
- 4050.2 Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.
- 4050.3 Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be concise and confined to the matter being discussed by the Board.
- ~~4050.4 Minutes should be no longer than necessary to describe the action taken, including the motion, second, and vote, and the brief underlying facts as necessary to insure an adequate record for subsequent review.~~
- ~~An Action Item shall be any action which the Board of Directors takes itself, or any action which the Board of Directors expressly directs be taken by the General Manager. Action Minutes shall be the written record of all Action Items taken by the Board of Directors, including the action taken by the Board of Directors, the recommended action of the item, and the voting record of the Board of Directors on the item. Modifications to the minutes of the meetings that have occurred in the past should be avoided, when possible, as should the addition of individual comments to prior meeting minutes.~~
- 4050.5 Directors shall recuse themselves from participating in the discussion or vote on any item where they have a personal interest or bias that prevents them from evaluating the facts and from making an objective decision or where they have a financial conflict of interest. In those circumstances, the minutes shall reflect that the Director so abstained from discussion and the vote. Unless such circumstances exist, however, Directors should affirmatively participate and vote as part of the Board's decision-making responsibilities. Directors recusing themselves from participating in the discussion or action due to a financial conflict of interest should announce the nature of the conflict and should leave the Board meeting room until the item has been concluded.

4050.6 Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager. Information so produced shall be provided to all Directors.

Adopted: August 13, 2008 via Resolution No. 2008-55

Revised: May 10, 2017 via Resolution No. 2017-11

Nevada Irrigation District

POLICY MANUAL

POLICY TITLE: Minutes of Board Meetings
POLICY NUMBER: 5060

5060.1 The Secretary or Deputy Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the Board.

5060.1.1 Copies of a meeting's minutes will be distributed to Directors as part of the information packet for the subsequent meeting as soon as practical, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept in a fireproof vault or in a fire-resistant, locked cabinet, and will be posted on the District's web site for a period of one year then available to the public upon request.

5060.1.2 ~~Unless directed otherwise, a digital recording-~~ Digital recordings of regular and special meetings of the Board of Directors will be made. Digital recordings will be kept as the official record of the District, kept for a minimum of 60 days. Members of the public may listen to recordings of Board meetings without charge on a computer that will be made available by the District. Digital recordings will be posted to the District's web site for a period of five years and then available to the public upon request. Retention of supporting materials will align with the District's standard retention policy.

5060.1.3 Motions, resolutions or ordinances shall be recorded in the action minutes as having passed or failed and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's action minutes:

Date, place and type of each meeting;

Directors present and absent by name;

Management staff present by name;

Call to order;

Time and name of late arriving Directors;

Time and name of early departing Directors;

Names of Directors absent during any agenda item upon which action was taken;

~~Summary record of staff reports;~~

~~Summary of~~ Record of public comment regarding matters not on the agenda, including to include names of commentators, and brief topic on which they are commenting on;

Approval of the minutes or modified minutes of preceding meetings;
Approval of financial reports;
Record by number (a sequential range is acceptable) of all warrants approved for payment;
~~Complete~~ Action information as to each subject of the Board's deliberation;
Record of the vote of each Director on every action item for which the vote was not unanimous;
Resolutions and ordinances described as to their substantive content and sequential numbering;
Record of all contracts and agreements, and their amendment, approved by the Board;
Approval of the annual budget;
Approval of all policies, rules and/or regulations;
Approval of all dispositions of District assets;
Approval of all purchases of District assets; and,
Time of meeting's adjournment.

5060.2 The Secretary ~~or Deputy Secretary~~ of the Board of Directors will not record or keep minutes of closed session discussions.

Adopted: November 10, 2010 via Resolution No. 2010-61
Revised: October 12, 2016 via Resolution No. 2016-35
Revised: May 10, 2017 via Resolution No. 2017-11

**UPDATING ADMINISTRATIVE POLICIES –
Audio Recording and District Minutes**

WHEREAS, the Nevada Irrigation District (the “District”) intends to establish, and revise from time to time, administrative policies to guide the operations and management of the District; and

WHEREAS, the District’s insurance carrier provided sample guidelines for personnel and administrative policies for consideration by the District; and

WHEREAS, over the past few years, the District has adopted several administrative policies using the sample guidelines, in an effort to assemble a comprehensive policy manual; and

WHEREAS, certain District policies are outdated, and should be revised and formatted in the same manner as the sample guidelines; and

WHEREAS, such draft policies have been reviewed by the District’s Legal Counsel and found to be in accordance with law.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Nevada Irrigation District hereby adopts the following policies as attached, and shall be incorporated herein:

- #1060 Records Retention
- #4050 Members of the Board of Directors
- #5060 Minutes of Board Meetings

BE IT FURTHER RESOLVED, that the attached policies shall be incorporated into the District Policy Manual, and the Board Secretary is hereby authorized to assign and revise policy numbers, and format and reformat the attached, as needed for an organized, comprehensive, policy manual.

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PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 10th day of May, 2017, by the following vote:

AYES:	Directors:
NOES:	Directors:
ABSENT:	Directors:
ABSTAINS:	Directors:

President of the Board of Directors

Attest:

Secretary to the Board of Directors