



**Meeting of the Metro Commission
and Metro Wastewater JPA**

AGENDA

**Thursday, SEPTEMBER 2, 2010
12:00 p.m.**

**9192 Topaz Way (MOC II) Auditorium
San Diego, California**

"The mission of the Metro Commission is to create an equitable partnership with the San Diego City Council on wastewater issues in the San Diego region that ensures fair rates for participating agencies, concern for the environment, and regionally balanced decisions through data analysis, collaboration among all stakeholders, and open dialogue."

Note: Any member of the Public may address the Metro Commission/Metro Wastewater JPA on any Agenda Item. Please complete a Speaker Slip and submit it to the Administrative Assistant or Chairperson prior to the start of the meeting if possible, or in advance of the specific item being called. Comments are limited to three (3) minutes per individual.

Documentation
Included

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. PUBLIC COMMENT
Persons speaking during Public Comment may address the Metro Commission/ Metro Wastewater JPA on any subject matter within the jurisdiction of the Metro Commission and/or Metro Wastewater JPA that is not listed as an agenda item. Comments are limited to three (3) minutes. Please complete a Speaker Slip and submit it prior to the start of the meeting.
- X 4. **ACTION** – CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF August 5, 2010 (**Attachment**)
5. PRESENTATION - SUMMARY OF IROC 2010 ANNUAL REPORT (Don Billings, IROC Past Chair)
- X 6. **ACTION** – CONSIDERATION AND POSSIBLE ACTION TO APPROVE AMENDMENTS TO THE RECORDS RETENTION AND DESTRUCTION POLICY AND SCHEDULE (**Attachment**) (Paula de Sousa)
- X 7. **ACTION** – CONSIDERATION AND POSSIBLE ACTION TO APPROVE CONTRACT AMENDMENT 2 FOR WEBMASTER SERVICES WITH AR CONSULTING (Extended time of performance from Sept. 11, 2010 to Sept 11, 2011 – no change in fees) (**Attachment**) (Paula de Sousa)
- X 8. PRESENTATION – PARK PROJECT IS PART OF STORM WATER RENAISSANCE (**Attachment**) (Ann Sasaki)

- X
9. KEY RELATED ITEMS WE SHOULD BE TRACKING/GETTING UP TO SPEED ON
(Attachment)
 10. METRO TAC UPDATE
 11. IROC UPDATE
 - a. Report from IROC Representative Caires
 - b. Consideration for Appointment of Alternate Representative to IROC
 12. FINANCE COMMITTEE
 - a. Report from Finance Committee
 13. REPORT OF GENERAL COUNSEL
 14. PROPOSED AGENDA ITEMS FOR THE NEXT METRO COMMISSION/ METRO WASTEWATER JPA MEETING **October 7, 2010.**
 15. METRO COMMISSIONERS' AND JPA BOARD MEMBERS' COMMENTS
 16. ADJOURNMENT OF METRO COMMISSION AND METRO WASTEWATER JPA

The Metro Commission and/or Metro Wastewater JPA may take action on any item listed in this Agenda whether or not it is listed "For Action."

Materials provided to the Metro Commission and/or Metro Wastewater JPA related to any open-session item on this agenda are available for public review by contacting L. Peoples at (619) 476-2557 during normal business hours.

***In compliance with the
AMERICANS WITH DISABILITIES ACT***

The Metro Commission/Metro Wastewater JPA requests individuals who require alternative agenda format or special accommodations to access, attend, and/or participate in the Metro Commission/Metro Wastewater JPA meetings, contact E. Patino at (858) 292.6321, at least forty-eight hours in advance of the meetings.

Agenda Item 4



**Meeting of the Metro Commission
and Metro Wastewater JPA**

**9192 Topaz Way (MOC II) Auditorium
San Diego, California**

August 5, 2010

DRAFT Minutes

Chairman Ewin called the meeting to order at 12:05 p.m. A quorum of the Metro Wastewater JPA and Metro Commission was declared, and the following representatives were present:

1. ROLL CALL

<u>Agencies</u>	<u>Representatives</u>		<u>Alternate</u>
City of Chula Vista	Cheryl Cox		Scott Tulloch
City of Coronado	Al Ovrom	X	Scott Huth
City of Del Mar	Donald Mosier		(No representative)
City of El Cajon	Bill Wells	X	Dennis Davies
City of Imperial Beach	Patricia McCoy	X	
City of La Mesa	Ernie Ewin	X	
Lemon Grove Sanitation District	Jerry Jones		Patrick Lund
City of National City	Alejandra Sotelo-Solis	X	
City of Poway	Merrilee Boyack		(No representative)
City of San Diego	Jerry Sanders		Ann Sasaki
County of San Diego	Dianne Jacob		Daniel Brogadir
Otay Water District	Mark Robak	X	
Padre Dam MWD	Augie Caires	X	Augie Scalzitti
Metro TAC Chair	Scott Huth	X	
IROC	Jim Peugh	X	

Others present: Metro JPA General Counsel Paula de Sousa; Metro JPA Secretary David Scherer; City of San Diego City Attorney Tom Zeleny; JPA Treasurer Doug Wilson; Dean Gipson – PBS&J

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner McCoy led the Pledge.

3. PUBLIC COMMENT

There was no public comment.

4. ACTION - CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE MINUTES OF June 3, 2010 (Attachment)

ACTION: Upon motion by Commissioner McCoy, seconded by Commissioner Caires, the June 3, 2010 Regular Meeting Minutes were approved, with Commissioner Robak abstaining.

5. PRESENTATION OF SUMMARY OF IROC 2010 ANNUAL REPORT (Don Billings, IROC Past Chair)

ACTION: This item was continued to the September meeting.

6. ACTION - CONSIDERATION AND POSSIBLE ACTION TO APPROVE CONTRACT FOR SODIUM HYPOCHLORITE FOR THE WWTD FACILITIES (Chris McKinney) (Attachment)

ACTION: Upon motion by Commissioner Caires, seconded by Commissioner Sotelo-Solis, the contract was approved unanimously.

7. ACTION - CONSIDERATION AND POSSIBLE ACTION TO APPROVE CONTRACT FOR MBC ADDITIONAL BIOSOLIDS STORAGE SILOS (Manny de Rosa) (Attachment)

ACTION: Upon motion by Commissioner Caires, seconded by Commissioner McCoy, the contract was approved unanimously.

8. ACTION – PRESENTATION – HELP SECURE OUR WATER SUPPLY UPDATE (Attachment)

Marsi Steirer presented a brief overview of the “Water Purification Demonstration Project” and provided a folder with handouts to the Commissioners. Ms. Steirer stated that the City Council had voted 6-2 in favor of this project and that City Staff would provide a full presentation in the future to the Metro JPA as well as City Council’s.

Chairman Ewin requested a full presentation to the Metro JPA of the program in October and encouraged consideration for taking the program on the road to the member cities Council meetings as well.

Commissioner Caires inquired as to the Department of Public Health involvement. Ms. Steirer stated that City staff had engaged with them and from the water reuse study, knows what has been asked for and are complying with requests to move down the path for permitting. The next meeting will be regarding the testing monitoring plant. They are about 2-3 years away from the final report.

9. ACTION - CONSIDERATION AND POSSIBLE ACTION TO APPROVE METRO JPA STRATEGIC PLAN – MISSION STATEMENT REVISION (Attachment)

ACTION: Upon motion by Commissioner Sotelo-Solis, seconded by Commissioner Wells, the revised Mission Statement was approved unanimously.

10. PRESENTATION OF FISCAL YEAR 2011 UTILITIES DEPARTMENT STRATEGIC PLAN (Tom Crane) (Attachment)

Mr. Crane provided a brief PowerPoint presentation on their one-year strategic plan. The creation did not involve outsider stakeholder input, however in 2012 two members of MetroTAC will participate as well as a member from the Mayor’s office and two members from IROC to put together a true five-year (2012-2016) plan. The current plan contains a vision and mission; series of guiding principals; and 4 strategic goals – very similar to goals the City has but now geared towards public utilities; each goal has at least 1 objective and each objective an initiative; performance measures are included with each initiative for the entire year; they include evaluation of customer satisfaction, training, and room for efficiencies between water and wastewater departments.

Chairman Ewin requested the Commission be provided with periodic updates.

Commissioner Robak requested details of Goal 2 – Objective 4 pertaining to full cost recovery be provided during the first update to the Commission; Goal 3 – Objective 5 – Initiative 17 on the recycled water study; Goal 4 – Objective 9 and hiring processes to minimize vacancies.

MetroTAC Chairman Huth noted that the Commission had been involved historically with the Wastewater Strategic Master Plan, but now they are combining the whole thing with the Utility department, so there is a history of being involved in the process. They also are well engaged in the Recycled Water Study with 2 members involved in the screening process and himself and Dean Gipson of PBS&J in the technical memorandum portion.

11. KEY RELATED ITEMS WE SHOULD BE TRACKING/GETTING UP TO SPEED ON (Attachment)

MetroTAC Chairman Huth stated they had circulated a PR Release on the item of the Waiver being signed which went into effect August 1 thus starting the 5-year time clock ticking. Additionally, under Fiscal Items, he advised that a letter had been sent to Director Alex Ruiz regarding the Recycled Water Credits on the South Bay Plant requesting that they get back on target with meeting on that issue and are hoping to start meeting again in September.

Chairman Ewin requested the Commissioners review the items listed on the document especially those listed as Board Member Items to see if they need to be restated or if there are any items missing that as a Board arrangements should be made to discuss or approach.

12. METRO TAC UPDATE

MetroTAC Chairman Huth stated that most of the items reviewed at TAC have already been covered. He stated that Neil Brown from Padre Dam announced he was retiring and his replacement is Al Lau who is present in the audience and he has been assigned as the representative working with Dean on the Recycled Water Study. At the last TAC meeting, Marsi Steirer and James Strayer provided a presentation on the Recycled Water Study which addressed a lot of questions the agencies had and provided an opportunity for dialogue with all members at one place. The White Paper (copy provided to the Commission) on consolidating the information previously provided under the other technical memorandums under a geographical point of view was provided to Marsi. They are currently working on Technical Memorandum #4 and comments are being received to submit to San Diego on August 19th and will be provided to the Commission.

13. IROC UPDATE

Commissioner Caires provided a summary from two IROC meetings, June 21 and July 19, 2010. He stated that Marsi had covered the Advanced Water Purification Project; Modified Permit approved by EPA effective August 1, 2010; IROC Annual Report was approved and Don Billings who was scheduled to be present today, will present it in September; introduced Jim Peugh who is the new Chair of IROC; noted that the Management of the Public Utilities Department prepared a response to the Annual Report and agreed and concurred with all 6 recommendations in the report; the City of San Diego's Audit Committee approved the B2G MOU Amendments; the FY 09 B2G results will be audited and the goals for the new B2G program reviewed by an independent 3rd party particularly regarding the benchmarks and industry standards used to establish the goals – the report when complete will be provided to the Commission; the Public Utilities Department Strategic Plan has been covered previously in the meeting by Mr. Crane; regarding the IROC Performance Report which has been discussed recently – IROC requested funds to audit in a performance domain the Public Utilities Department, the City Auditor will conduct this study comprised of 1100 hours, 200 hours for a broad scope review to identify high risk areas of concern and 900 hours of more specific review. The interest is in providing topical input to the IROC and OCA. The Metro Finance Committee has heard this and they reviewed a list of possible topics for recommendation to IROC. This will go to the TAC in August and come back to the Commission in early September for discussion and consideration; a report was heard on wastewater spills – there were 30 spills in FY 2010 vs. 57 in FY 2009, most were grease and root related; a report on water main brakes was also heard – the City averages 126 per year with an average cost of \$30,000 per break - half of which is labor and materials and half is liability – mostly property damage; other updates provided were on the advanced meter infrastructure project; a fraud hotline program review; the CIP audit proposal was discussed as was the continuation of water use restrictions by the City and the Condition Assessment Program was outlined; finally there were 2 presentations by the CWA – one on rates and charges and one on litigation with MWD regarding the rate setting methodology where they are trying to recapture a \$30M per year overcharge.

Ann Sasaki, Assistant Director, Wastewater Branch, noted a correction, that the City Audit Committee had not yet approved the B2G MOU Amendment. They had approved going forward with the Audit for FY 2009. Staff will be going to the Rules Committee on September 8 for the first hearing on the B2G Amendments for Wastewater and the B2G for water.

IROC Chairman Peugh noted that on Monday there would be a meeting to review the CWA pass through.

14. FINANCE COMMITTEE

- a. Report from Finance Committee (**Attachment**)
- b. Minutes of the May 26, 2010 Finance Committee Meeting (**Attachment**)
- c. FY 2010 Period 11 (May) Metro Budget **Update (Attachment)**
- d. **ACTION** - Consideration and Possible Action for the JPA to hire an external auditor to perform an independent audit of the JPA 2010 financial statements at a cost not to exceed \$5,000.

Finance Committee Chairman Ovrom provided a brief report on the Finance Committee meeting noting that they had covered a variety of issues including approval of the May 26, 2010 Minutes; appointed Commissioner Boyack as Vice Chair; looked at budget updates; spoke regarding hiring of an external auditor to audit the books; received status reports on the Draft 2009 findings and what 2010 might look like; spoke regarding the performance audit as Commissioner Caires mentioned. The Finance Committee recommends consideration for an external audit and requested Treasurer Wilson speaks to this.

Treasurer Wilson stated he contacted the current firm that is auditing Padre Dam and received a range of \$5,000 - \$7,000. He provided the Commissioners with a Management Engagement Letter who would be willing to drop their fee down to \$5,000 if they could get it for 2 years as the first year takes more work which they could make up if they had a second year. If this is an activity that the JPA wants to continue annually, he would recommend going forward.

Finance Committee Chairman Ovrom stated the sense of the Committee was that this probably should be done, but the price seemed a little steep.

Chairman Ewin requested the Finance Committee figure a viable solution since we are using public funds.

Treasurer Wilson reviewed the budget process taken of budget creation and approval, billing member agencies, and payment of contract expenditures, and food.

15. REPORT OF GENERAL COUNSEL

General Counsel de Sousa stated that she is tracking several State Ballot Propositions: the Water Bond – the last date for the Legislature to act is August 9, 2010; Proposition 26 which is a further carve out of those types of fees that a public agency will have to receive a vote to impose – it is attacking regulatory fees and will require a 2/3 vote; AB 972 regarding Design Professional Immunity.

16. PROPOSED AGENDA ITEMS FOR THE NEXT METRO COMMISSION METRO WASTEWATER JPA MEETING (June 3, 2010)

There were none.

17. METRO COMMISSIONERS' and JPA BOARD MEMBERS' COMMENTS

There were none.

18. ADJOURNMENT OF METRO COMMISSION AND METRO WASTEWATER JPA

At 1:12 p.m., there being no further business, Chairman Ewin declared the meeting adjourned.

Recording Secretary

Agenda Item 6

METRO WASTEWATER JOINT POWERS AUTHORITY RECORDS RETENTION AND DESTRUCTION POLICY

I. PURPOSE

The purpose of this policy is to provide guidelines ~~to staff~~ regarding the retention or destruction of records of the Metro Wastewater Joint Powers Authority ("~~the~~ “JPA”"); provide for the identification, maintenance, safeguarding and destruction of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

~~I.~~ II. AUTHORIZATION

Staff is hereby authorized to destroy records in accordance with this policy and the records retention and destruction schedule ~~adopted by the JPA~~ set forth in Attachment “A”, which shall comply with the records retention guidelines provided by the California Secretary of State, as may be updated from time to time.

III. PROCEDURE

- A. The Board Secretary shall be responsible for the administration of this policy and shall oversee compliance with the provisions of this policy and with the Records Retention Schedule, set forth in Attachment “A.”
- B. The Board Secretary reviews documents to confirm that each document to be destroyed is: (1) not required to be permanently retained, or (2) has been retained for the legally required period of time. The Board Secretary also confirms that any applicable reproduction requirements (i.e., microfilming, etc.) for each document are complete.
- C. The Board Secretary completes and signs a “Request for Destruction of Obsolete Records” form, listing the date and description of each document to be destroyed.
- D. The Board Secretary submits the form to the Chair, who reviews and signs the form and then returns the signed form to the Board Secretary.
- E. After receiving the signed form from the Chair, the Board Secretary oversees the destruction of the documents, indicates the method of destruction on the form, signs the form and returns the original signed form to the Chair.
- F. The Chair will retain all original signed forms requesting destruction of records for a minimum period of two (2) years.

IV. GENERAL GUIDELINES

A. The following general guidelines apply to all JPA records.

1. The ~~JPA hereby authorizes~~ Board Members of the JPA, by majority vote, may authorize the destruction of any **duplicate** ~~record, paper or document, the original or permanent photographic record is retained in accordance with this policy,~~ records, if they are no longer needed. (Gov. Code § 60200.)

~~Except~~ 2. Pursuant to the resolution adopted by the Board Members of the JPA, except where a record is expressly required to be preserved according to State law, the ~~members of the~~ JPA may approve the destruction of any original document without ~~the JPA~~ retaining a copy of the document as long as the retention and destruction of the document complies with the retention schedule as set forth in this policy. (Gov. Code § 60201.)

3. In addition to the retention period required under this policy, the JPA shall retain original administrative, legal, fiscal and/or historical records with continued value (i.e., records for long-term transactions and/or special projects) until all matters pertaining to such records are completely resolved or the time for appeals has expired. (Gov. Code § 14755, subd. (a); Gov. Code 34090.)

4. Pursuant to Government Code section 60201, the JPA shall not destroy any of the following records:

- ~~(a)~~ (a) Records relating to the formation, change of organization, or reorganization of the JPA;
- ~~(b)~~ (b) Ordinances and resolutions, unless they have been repealed or have become invalid or otherwise unenforceable for five years;
- ~~(c)~~ (c) ~~Written minutes and the audio recordings~~ Minutes of any meeting of the JPA, ~~which audio recordings may be retained in any format in the JPA's sole discretion;~~
- ~~(d)~~ (d) Records relating to any pending claim, litigation, any settlement or other disposition of litigation within the past two years;
- (e) Records that are the subject of any pending request for records under the California Public Records Act, whether or not the record is exempt from disclosure, until the request has been granted or two (2) years after the request has been denied by the JPA;
- (f) Records relating to any pending construction that the JPA has not accepted or for which a stop notice claim may be legally presented;
- (g) Records relating to any nondischarged debt of the JPA;
- (h) Records relating to the title to real property in which the JPA has an interest;
- (i) Records relating to any nondischarged contract to which the JPA is a party;

- (j) Records that have not fulfilled the administrative, fiscal, or legal purpose for which they were created or received;
- (k) Unaccepted bids or proposals, which are less than two (2) years old, for the construction or installation of any building, structure or other public work;
- (l) Records less than seven (7) years old that specify the amount of compensation or expense reimbursement paid ~~to~~ JPA employees, officers, or independent contractors

IV. SPECIFIC GUIDELINES

A. Accounting Records

1. Accounting Records include, but are not limited to, the following:

(a) Source Documents

- ~~⊖~~ ● Invoices
- ~~⊖~~ ● Warrants
- ~~⊖~~ ● Vouchers
- ~~⊖~~ ● Requisitions/Purchase Orders (attached to invoices)
- ~~⊖~~ ● Cash Receipts
- ~~⊖~~ ● Claims (attached to warrants in place of invoices)
- ~~⊖~~ ● Bank Statements
- ~~⊖~~ ● Bank Deposits
- ~~⊖~~ ● Checks
- ~~⊖~~ ● Bills
- ~~⊖~~ ● Various accounting authorizations taken from JPA minutes, resolutions or contracts

(b) Journals

- ~~⊖~~ ● Cash Receipts
- ~~⊖~~ ● Accounts Receivable or Payable Register
- ~~⊖~~ ● Check or Warrant Register
- ~~⊖~~ ● General Journal
- ~~⊖~~ ● Payroll Journal

(c) Ledgers

- ~~⊖~~ ● Expenditure
- ~~⊖~~ ● Revenue
- ~~⊖~~ ● Accounts Payable or Receivable Ledger
- ~~⊖~~ ● Assets/Depreciation
- Warrants payable
- ~~⊖~~ ● Construction
- ~~⊖~~ ● General ledger

~~(d)~~ (d) Trial Balance

~~(e)~~ (e) Adjusting Entries

~~(f)~~ (f) Statements (Interim or Certified - Individual or All Fund)

● Balance Sheet

~~○~~ ● Analysis of Changes in Available Fund Balance

~~○~~ ● Cash Receipts and Disbursements

~~●~~ ● Inventory of Fixed Assets (Purchasing)

~~(g)~~ (g) Journal Entries

~~(h)~~ (h) Reversing Entries

~~(i)~~ (i) Payroll and personnel records include but are not limited to the following:

~~○~~ ● Accident reports, injury claims and settlements

~~○~~ ● Applications, changes or terminations of employees

● Earnings records and summaries

~~○~~ ● Fidelity bonds

● Garnishments

~~●~~ ● Insurance records of employees

~~○~~ ● Job descriptions

● Medical histories

~~○~~ ● Retirements

~~○~~ ● Time cards

(j) Other

● Inventory Records (Purchasing)

● Capital Asset Records (Purchasing)

● Depreciation Schedule

● Cost Accounting Records

2. ~~The~~ General ledgers must be permanently retained.
(Sec. of State Local Gov't. Records Mgmt.
Guidelines.).

3. In general, the JPA ~~shall~~ should retain original
~~accounting records for five (5) years. After~~

~~that, the JPA may destroy original accounting records, except journals,~~
~~ledgers and statements, it~~

- ~~(a) There is no continuing need for said record (i.e., long term transactions, special projects, pending litigation, etc).~~
 - ~~(b) There exists in a permanent file an audit report(s) covering the inclusive period of the record.~~
 - ~~(c) The audit report(s) meet(s) the requirements of California Government Code section 26909 and other State and federal laws; and~~
 - ~~(d) The audit(s) contain(s) the expression of an unqualified opinion.~~
- ~~3. The JPA may destroy the original journals, ledgers and statements after five (5) years if it retains imaged copies (i.e., microfilm, microfiche, digital copies, etc.).~~
- ~~4. The JPA may destroy any original accounting record created for a specific event or action five (5) years after said event has, in all respects, terminated.~~~~D. The JPA may destroy an original source document that is~~documents that are detailed in a register, ~~journal~~journal, ledger or statement until audited plus five (5) years from the end of the fiscal period to which it applies.Certain source documents may be retained for a shorter period of time. Refer to the records retention schedule for specific accounting documents.
- ~~6.4.~~4. The JPA may destroy rough drafts, notes, working papers (except audit), cards, listings, nonpermanent indices, and papers used for controlling work or transitory files at any time.
- ~~7.5.~~5. In addition to any required legal retention period, the JPA shall not authorize the destruction of any record subject to audit until it has been determined that the audit has been performed. (~~See e.g.,~~ Gov. Code § ~~14755~~14755, subd. (b); Gov. Code § 34090.)

B. Long-Term Debt Records

- ~~1.1.~~1. The JPA may destroy the original records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc. after issuance or execution, if it retains imaged copies (i.e., microfilm, microfiche, digital copies, etc.). (Gov. Code § 60203.)

- ~~2.~~2. The JPA may destroy the original records of the terms and conditions of bonds, warrants and other long-term agreements after final payment, if it retains imaged copies (i.e., microfilm, microfiche, digital copies, etc.).
- ~~3.~~3. The JPA may destroy paid bonds, warrant certificates and interest coupons after **two (2) years** if detailed payment records are retained for **ten (10) years**.
- ~~4.~~4. The JPA may not destroy any documents relating to any nondischarged debt. (Gov. Code § ~~60201~~60201, subd. (d)(7).)

C. JPA Records

- ~~1.~~1. The JPA shall retain original records of the minutes ~~and the audio recordings of any meeting of the JPA, which audio recordings may be retained in any format in the JPA's sole discretion, of meetings of the JPA indefinitely.~~ (~~See e.g.,~~ Gov. Code §§ 34090; 60201.)
- ~~2.~~2. The JPA shall retain original resolutions adopted by the ~~JPA~~Board indefinitely. (Gov. Code § 60201.)

D. Statements and Reports Filed Pursuant to the Political Reform Act.

1. Filing officers shall retain original campaign ~~statements~~statements and reports for **seven (7) years**. (Gov. Code § 81009 (c), (e).)
2. Filing officers shall retain copies of statements or reports for **four (4) years**. The officer does not have to keep more than one copy of a statement or report. (Gov. Code § 81009 (f).)

E. Contracts

1. The JPA shall retain original contracts for **four (4) years** after the end of the contracts. (Code of Civ. Proc. § 337.)
2. The JPA shall retain contracts with any person or entity who develops real property or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or improvement to real property for **ten (10) years** after the completion

of the construction or improvement. (Code of Civ. Proc. § 337.15.)

F. Property Records.

The JPA shall retain original property records, such as title documents, **indefinitely**, or until the property is transferred or otherwise no longer owned by the JPA. (Gov. Code ~~§§ 34090, 60201.~~)

G. Payroll and Personnel Records.

1. Payroll and personnel records include, but are not limited to, the following:

- ~~(a)~~ (a) Accident reports, injury claims and settlements
- ~~(b)~~ (b) Medical histories
- ~~(c)~~ (c) Injury frequency charts
- ~~(d)~~ (d) Applications, changes and terminations of employees
- ~~(e)~~ (e) Insurance records of employees
- (f) Time cards
- ~~(g)~~ (g) Job descriptions
- ~~(h)~~ (h) Performance or rating documents
- ~~(i)~~ (i) Earning records and summaries

Records specifying amounts of compensation or expense reimbursement paid to JPA employees, officers, or independent contractors must be retained for seven (7) years after date of payment. (Gov. Code § ~~60201.~~ 60201)

- ~~3.~~ 2. The JPA shall retain personnel files for **three (3) years** after an individual's employment terminates. (29 ~~C.F.R.~~ §CFR 1627.3.)

~~4.~~3. The JPA shall retain medical records of employees for **thirty (30) years beyond the length of employment.** Medical records shall include health insurance claims, records of exposure to hazardous substances, first aid records for one-time treatment, observation of minor injuries, records relating to medical leave taken by employees, etc. However, for employees who are employed by the JPA for less than one year, the JPA does not need to retain the employee's medical records if the JPA provides the employee with such records upon termination of employment. (29 ~~C.F.R.~~ CFR 1910.1020; 8 Cal. Code Regs. § 3204.)

~~5.~~4. The JPA may destroy fidelity bonds two (2) years after termination and garnishments ~~five~~three (3) years after ~~they expire~~ termination.

~~6.~~5. The JPA shall retain payroll records containing the name, address, date of birth, sex, job classification, hours worked, and regular and overtime wages for each employee for **three (3) years** beyond the length of employment **and seven (7) years from date of payment** (29 C.F.R. §Part 516.5; Labor Code §§ 1174, 1197.5; Gov. Code § 60201.) Payroll registers listing labor costs by employee and program must be kept permanently. (Sec. of State Local Gov't. Records Mgmt. Guidelines.)

~~7.~~6. The JPA shall retain basic time and earning cards or sheets on which are entered daily starting and stopping time of individual employees for ~~threesix~~ (36) years. (29 C.F.R. Part 516.6; 8 Cal. Code Regs. §§ 11000-11150; Labor Code § ~~1174.~~1174; Sec. of State Local Gov't. Records Mgmt. Guidelines.)

~~8.~~7. The JPA shall retain employment applications and employment referral records and files for **two (2) years** after such records or files are created. (Gov. Code §12946; 29 C.F.R. § 1627.3.)

~~9-8.~~ The JPA shall retain records regarding the race, sex, and national origin of each applicant and for the job for which such applicant applied for **two (2) years** from the date of the making of the record or the date of the personnel action involved, whichever occurs later. The JPA may either retain the original documents used to identify applicants, or keep statistical summaries of the collected information. (2 Cal. Code Regs. § 7287.0.)

~~10.~~ ~~The JPA shall retain any records pertaining to any payments, loans,~~
9. The JPA shall retain any records pertaining to any payments, loans, promises or agreements by the JPA to any labor organization or representative of a labor organization for **five (5) years**. (29 U.S.C. § 436.)

H. Construction and Engineering Records.

~~1-1.~~ The JPA ~~may destroy~~shall retain certain original construction records, such as bids, correspondence, and change orders, ~~after~~for **four (4) years** after project completion, unless the records pertain to a project which includes a guarantee or grant in which event they shall be retained for the **life of the guarantee or grant plus four (4) years**. The JPA shall retain as-built plans for any public facility or works as long as the facility exists.

~~2-2.~~ The JPA may destroy unaccepted bids or proposals for public works after **two (2) years**. (Gov. Code § 60201.)

3. The JPA shall retain supporting documents on capital improvement projects, including bidders lists, specifications, reports, plans, work orders, schedules, etc., for **ten (10) years** after project completion. (Code of Civ. Proc. § 337.15.)

~~1-1.~~ **Exposure/Safety Records and Material Safety Data Sheets (MSDS).**

~~1-1.~~ The JPA shall retain employee exposure records and exposure assessment records for at least **thirty (30) years**. Such records should reveal the identity of the toxic substance or harmful physical agent and where

and when such substance or agent was used. (8 Cal. Code Regs. § 3204.)

~~2.~~2. The JPA may destroy the material safety data sheet (MSDS) for a hazardous substance after the JPA stops using the hazardous substance provided it keeps a record of the substance (chemical name if known) and when and where it was used for **thirty (30) years**. (8 Cal. Code Regs. § 3204(d)(1)(B)(2).)

J. Video Monitoring, Telephone and Radio Communications; Other Video and Audio Recordings

~~1.~~1. The JPA shall retain recordings of **routine video monitoring** (e.g., building security taping systems) for at least **one (1) year**. After the one year retention period, the JPA may destroy the video recording upon approval by the JPA. (Gov. Code § 34090.6.)

~~2.~~2. Upon authorization of the JPA, recordings of telephone and radio communications maintained by the JPA may be destroyed after **100 days**. (~~See e.g.,~~ Gov. Code § 34090.6.)

~~3.~~3. If the JPA keeps another record, such as written minutes, of an event that is recorded on video tape (e.g., JPA meetings), the JPA must keep the video tape recording of the event for **at least 90 days** after the occurrence of the event. **After 90 days**, the video tape may be destroyed or erased, upon approval by the JPA. (~~See e.g.,~~ Gov. Code § 34090.7.)

~~Notwithstanding Section III(A)((4)(e) and Section IV(C) above, when~~4. When an audio tape recording of a meeting (e.g., JPA) is made solely to facilitate the preparation of minutes for that meeting, the tape recording may be destroyed or erased after it is no longer required and after the minutes for that meeting have been approved. (~~See e.g.,~~ Gov. Code § 34090; 64 Ops.Atty.Gen. 317.)

5. Other audio or video tape recordings which are not related to the conduct of the public's business (e.g., educational or promotional videos) are not considered to be official JPA records and may be destroyed after they are no longer required, upon approval by the JPA. (Gov. Code ~~§ 6252~~§§ 6252, subd. (e); 34090.)

VI. ELECTRONIC COMMUNICATION

Electronic mail generates correspondence and other documentation which are public records in need of protection/retention in accordance with the California Public Records Act (Gov. Code §§ 6250-6276.48). Electronic communication also includes any messages sent through a Blackberry or other electronic device that end up as e-mail to or from any JPA employee (collectively, "e-mail"). The JPA's e-mail system should not be used to store or maintain documents, including, but not limited to, official JPA records.

It is the responsibility of individual employees to determine if e-mail is an JPA record which must be retained in accordance with the JPA's Records Retention and Destruction Policy. Generally, an e-mail message and any attachments regardless of format may be considered an official JPA record if it: (1) is created or received in connection with official JPA business; (2) documents the formulation and implementation of JPA policies and decisions; or (3) initiates, authorizes or completes a transaction of official JPA business.

Preliminary drafts, notes or interagency or intra-agency memoranda which are not retained by the JPA in the ordinary course of business are generally not considered to be official JPA records subject to disclosure. Employees are encouraged to delete documents which are not otherwise required to be kept by law or whose preservation is not necessary or convenient to the discharge of your duties or the conduct of the JPA's business. Examples of e-mail messages that are not generally considered official JPA records may include: (1) personal messages and announcements not related to official JPA business; (2) messages with attached copies or extracts of documents distributed for convenience or reference (with the original documents being preserved according to the JPA's Records Retention and Destruction Policy); and (3) messages that are essentially cover notes or distribution slips. The JPA's General Counsel can assist you in determining whether an e-mail message is required to be retained and/or is necessary or convenient to the discharge of your duties or the conduct of the JPA's business.

Any e-mail message, including any attachments regardless of format, that can be considered an official JPA record must be preserved in accordance with the retention periods specified in the JPA's Records Retention and Destruction Policy. Generally, the JPA employee who sends an e-mail that qualifies as an official JPA record should be the person responsible for preserving that e-mail, but persons responsible for a particular program or project file shall also be responsible for preserving all e-mail they send or receive related to that program or project. JPA employees may print and file hard copies of e-mail messages that must be preserved. Employees may also

save e-mail messages electronically, in electronic folders separate from their regular e-mail inboxes. However, e-mail messages must not be stored in an employee's regular inbox, since the JPA's automatic maintenance system will periodically delete e-mails from all inboxes. Many types of e-mail can also be stored electronically as a Word document. The JPA's Information Technology staff can assist employees with setting up electronic folders or other methods of electronically archiving e-mail messages. However, all e-mail messages that are retained electronically must be easy to retrieve, view and print out, if necessary.

For projects that involve two or more employees, any e-mails pertaining to a specific project should be retained in that project's central file(s). Employees should work with Information Technology staff on the best method for central storage of e-mails on a project to make sure the e-mails remain easily accessible to everyone.

In addition, any e-mail messages that relate to a claim or a potential claim against the JPA, must be preserved. Likewise, any e-mail messages that may relate to a lawsuit filed against the JPA, even if a subpoena or court order for such e-mail messages has not yet been issued, must be preserved. Under newly enacted federal rules regarding electronic discovery, any information stored electronically, including e-mail messages, must be produced for a requesting party. A court can impose severe penalties if e-mail messages relevant to a lawsuit are deliberately destroyed when it is known, or should have reasonably been anticipated, that a claim or lawsuit could be filed against the JPA. There are no penalties if electronic information is "lost" through "the routine operation of an electronic information system" (i.e., automatic deletion after a period of time; automatic overwriting of backup tapes, etc.). (Rule 37(f) of the Federal Rules of Civil Procedure.) However, the JPA has a duty to preserve any relevant data when there is even a hint of possible litigation. Therefore, when JPA employees become aware of a potential claim, an actual claim, or a lawsuit against the JPA, they must preserve any e-mail messages and attachments that have any information relevant to that matter. The JPA's General Counsel can provide you with guidance on these issues.

VII. RECORDS RETENTION ~~AND DESTRUCTION~~ SCHEDULE

The ~~"Records Retention and Destruction Schedule"~~ is attached to this policy as ~~Exhibit "A"~~ Attachment "A" and is incorporated herein by reference. This policy and the Records Retention ~~and Destruction~~ Schedule shall comply with the records retention ~~and destruction~~ guidelines provided by the California Secretary of State and may be updated from time to time.

ATTACHMENT “A”
RECORDS RETENTION SCHEDULE

[Attached]

Document comparison done by DeltaView on Thursday, July 01, 2010 10:03:38 AM

Input:	
Document 1	file:///H:/My Documents/metro jpa Recordsretentionpolicy2005.doc
Document 2	pcdocs://docs_sd/397650/1
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
<u>Moved from</u>	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	174
Deletions	159
Moved from	1
Moved to	1
Style change	0
Format changed	0
Total changes	335

METRO WASTEWATER JOINT POWERS AUTHORITY RECORDS RETENTION AND DESTRUCTION POLICY

I. PURPOSE

The purpose of this policy is to provide guidelines regarding the retention or destruction of records of the Metro Wastewater Joint Powers Authority (the “JPA”); provide for the identification, maintenance, safeguarding and destruction of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

II. AUTHORIZATION

Staff is hereby authorized to destroy records in accordance with this policy and the records retention and destruction schedule set forth in Attachment “A”, which shall comply with the records retention guidelines provided by the California Secretary of State, as may be updated from time to time.

III. PROCEDURE

- A. The Board Secretary shall be responsible for the administration of this policy and shall oversee compliance with the provisions of this policy and with the Records Retention Schedule, set forth in Attachment “A.”
- B. The Board Secretary reviews documents to confirm that each document to be destroyed is: (1) not required to be permanently retained, or (2) has been retained for the legally required period of time. The Board Secretary also confirms that any applicable reproduction requirements (i.e., microfilming, etc.) for each document are complete.
- C. The Board Secretary completes and signs a “Request for Destruction of Obsolete Records” form, listing the date and description of each document to be destroyed.
- D. The Board Secretary submits the form to the Chair, who reviews and signs the form and then returns the signed form to the Board Secretary.
- E. After receiving the signed form from the Chair, the Board Secretary oversees the destruction of the documents, indicates the method of destruction on the form, signs the form and returns the original signed form to the Chair.
- F. The Chair will retain all original signed forms requesting destruction of records for a minimum period of two (2) years.

IV. GENERAL GUIDELINES

- A. The following general guidelines apply to all JPA records.
1. The Board Members of the JPA, by majority vote, may authorize the destruction of any **duplicate** records, if they are no longer needed. (Gov. Code § 60200.)
 2. Pursuant to the resolution adopted by the Board Members of the JPA, except where a record is expressly required to be preserved according to State law, the JPA may approve 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 retention schedule as set forth in this policy (Gov. Code § 60201.)
 3. In addition to the retention period required under this policy, the JPA shall retain original administrative, legal, fiscal and/or historical records with continued value (i.e., records for long-term transactions and/or special projects) until all matters pertaining to such records are completely resolved or the time for appeals has expired. (Gov. Code § 14755, subd. (a); Gov. Code 34090.)
 4. Pursuant to Government Code section 60201, the JPA shall not destroy any of the following records:
 - (a) Records relating to the formation, change of organization, or reorganization of the JPA;
 - (b) Ordinances and resolutions, unless they have been repealed or have become invalid or otherwise unenforceable for five years;
 - (c) Minutes of any meeting of the JPA;
 - (d) Records relating to any pending claim, litigation, any settlement or other disposition of litigation within the past two years;
 - (e) Records that are the subject of any pending request for records under the California Public Records Act, whether or not the record is exempt from disclosure, until the request has been granted or two (2) years after the request has been denied by the JPA;
 - (f) Records relating to any pending construction that the JPA has not accepted or for which a stop notice claim may be legally presented;
 - (g) Records relating to any nondischarged debt of the JPA;
 - (h) Records relating to the title to real property in which the JPA has an interest;
 - (i) Records relating to any nondischarged contract to which the JPA is a party;
 - (j) Records that have not fulfilled the administrative, fiscal, or legal purpose for which they were created or received;

- (k) Unaccepted bids or proposals, which are less than two (2) years old, for the construction or installation of any building, structure or other public work;
- (l) Records less than seven (7) years old that specify the amount of compensation or expense reimbursement paid to JPA employees, officers, or independent contractors

V. SPECIFIC GUIDELINES

A. Accounting Records

1. Accounting Records include, but are not limited to, the following:

(a) Source Documents

- Invoices
- Warrants
- Vouchers
- Requisitions/Purchase Orders (attached to invoices)
- Cash Receipts
- Claims (attached to warrants in place of invoices)
- Bank Statements
- Bank Deposits
- Checks
- Bills
- Various accounting authorizations taken from JPA minutes, resolutions or contracts

(b) Journals

- Cash Receipts
- Accounts Receivable or Payable Register
- Check or Warrant Register
- General Journal
- Payroll Journal

(c) Ledgers

- Expenditure
- Revenue
- Accounts Payable or Receivable Ledger
- Assets/Depreciation
- Warrants payable
- Construction
- General ledger

(d) Trial Balance

(e) Adjusting Entries

- (f) Statements (Interim or Certified - Individual or All Fund)
 - Balance Sheet
 - Analysis of Changes in Available Fund Balance
 - Cash Receipts and Disbursements
 - Inventory of Fixed Assets (Purchasing)
 - (g) Journal Entries
 - (h) Reversing Entries
 - (i) Payroll and personnel records include but are not limited to the following:
 - Accident reports, injury claims and settlements
 - Applications, changes or terminations of employees
 - Earnings records and summaries
 - Fidelity bonds
 - Garnishments
 - Insurance records of employees
 - Job descriptions
 - Medical histories
 - Retirements
 - Time cards
 - (j) Other
 - Inventory Records (Purchasing)
 - Capital Asset Records (Purchasing)
 - Depreciation Schedule
 - Cost Accounting Records
2. General ledgers must be permanently retained. (Sec. of State Local Gov't. Records Mgmt. Guidelines.) .
 3. In general, the JPA should retain original source documents that are detailed in a register, journal, ledger or statement **until audited plus five (5) years**. Certain source documents may be retained for a shorter period of time. Refer to the records retention schedule for specific accounting documents.
 4. The JPA may destroy rough drafts, notes, working papers (except audit), cards, listings, nonpermanent indices, and papers used for controlling work or transitory files at any time.
 5. In addition to any required legal retention period, the JPA shall not authorize the destruction of any record subject to audit until it has been determined that the audit has been performed. (Gov. Code § 14755, subd. (b); Gov. Code § 34090.)

B. Long-Term Debt Records

1. The JPA may destroy the original records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc. after issuance or execution, if it retains imaged copies (i.e., microfilm, microfiche, digital copies, etc.). (Gov. Code § 60203.)
2. The JPA may destroy the original records of the terms and conditions of bonds, warrants and other long-term agreements after final payment, if it retains imaged copies (i.e., microfilm, microfiche, digital copies, etc.).
3. The JPA may destroy paid bonds, warrant certificates and interest coupons after **two (2) years** if detailed payment records are retained for **ten (10) years**.
4. The JPA may not destroy any documents relating to any nondischarged debt. (Gov. Code § 60201, subd. (d)(7).)

C. JPA Records

1. The JPA shall retain original records of the minutes of meetings of the JPA **indefinitely**. (Gov. Code §§ 34090; 60201.)
2. The JPA shall retain original resolutions adopted by the Board **indefinitely**. (Gov. Code § 60201.)

D. Statements and Reports Filed Pursuant to the Political Reform Act.

1. Filing officers shall retain original campaign statements and reports for **seven (7) years**. (Gov. Code § 81009 (c), (e).)
2. Filing officers shall retain copies of statements or reports for **four (4) years**. The officer does not have to keep more than one copy of a statement or report. (Gov. Code § 81009 (f).)

E. Contracts

1. The JPA shall retain original contracts for **four (4) years** after the end of the contracts. (Code of Civ. Proc. § 337.)
2. The JPA shall retain contracts with any person or entity who develops real property or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or improvement to real property for **ten (10) years** after the completion of the construction or improvement. (Code of Civ. Proc. § 337.15.)

F. Property Records.

The JPA shall retain original property records, such as title documents, **indefinitely**, or until the property is transferred or otherwise no longer owned by the JPA. (Gov. Code §§ 34090, 60201.)

G. Payroll and Personnel Records.

1. Payroll and personnel records include, but are not limited to, the following:
 - (a) Accident reports, injury claims and settlements
 - (b) Medical histories
 - (c) Injury frequency charts
 - (d) Applications, changes and terminations of employees
 - (e) Insurance records of employees
 - (f) Time cards
 - (g) Job descriptions
 - (h) Performance or rating documents
 - (i) Earning records and summaries

Records specifying amounts of compensation or expense reimbursement paid to JPA employees, officers, or independent contractors must be retained for seven (7) years after date of payment. (Gov. Code § 60201)

2. The JPA shall retain personnel files for **three (3) years** after an individual's employment terminates. (29 CFR 1627.3.)
3. The JPA shall retain medical records of employees for **thirty (30) years beyond the length of employment**. Medical records shall include health insurance claims, records of exposure to hazardous substances, first aid records for one-time treatment, observation of minor injuries, records relating to medical leave taken by employees, etc. However, for employees who are employed by the JPA for less than one year, the JPA does not need to retain the employee's medical records if the JPA provides the employee with such records upon termination of employment. (29 CFR 1910.1020; 8 Cal. Code Regs. § 3204.)
4. The JPA may destroy fidelity bonds two (2) years after termination and garnishments three (3) years after termination.
5. The JPA shall retain payroll records containing the name, address, date of birth, sex, job classification, hours worked, and regular and overtime wages for each employee for **three (3) years** beyond the length of employment **and seven (7) years from date of payment**. (29 C.F.R. Part 516.5; Labor Code §§ 1174, 1197.5; Gov. Code § 60201.) Payroll

registers listing labor costs by employee and program must be kept permanently. (Sec. of State Local Gov't. Records Mgmt. Guidelines.)

6. The JPA shall retain basic time and earning cards or sheets on which are entered daily starting and stopping time of individual employees for **six (6) years**. (29 C.F.R. Part 516.6; 8 Cal. Code Regs. §§ 11000-11150; Labor Code § 1174; Sec. of State Local Gov't. Records Mgmt. Guidelines.)
7. The JPA shall retain employment applications and employment referral records and files for **two (2) years** after such records or files are created. (Gov. Code §12946; 29 C.F.R. 1627.3.)
8. The JPA shall retain records regarding the race, sex, and national origin of each applicant and for the job for which such applicant applied for **two (2) years** from the date of the making of the record or the date of the personnel action involved, whichever occurs later. The JPA may either retain the original documents used to identify applicants, or keep statistical summaries of the collected information. (2 Cal. Code Regs. §7287.0.)
9. The JPA shall retain any records pertaining to any payments, loans, promises or agreements by the JPA to any labor organization or representative of a labor organization for **five (5) years**. (29 U.S.C. §436.)

H. Construction and Engineering Records.

1. The JPA shall retain certain original construction records, such as bids, correspondence, and change orders, for **four (4) years** after project completion, unless the records pertain to a project which includes a guarantee or grant in which event they shall be retained for the **life of the guarantee or grant plus four (4) years**. The JPA shall retain as-built plans for any public facility or works as long as the facility exists.
2. The JPA may destroy unaccepted bids or proposals for public works after **two (2) years**. (Gov. Code § 60201.)
3. The JPA shall retain supporting documents on capital improvement projects, including bidders lists, specifications, reports, plans, work orders, schedules, etc., for **ten (10) years after project completion**. (Code of Civ. Proc. § 337.15.)

I. Exposure/Safety Records and Material Safety Data Sheets (MSDS).

1. The JPA shall retain employee exposure records and exposure assessment records for at least **thirty (30) years**. Such records should reveal the identity of the toxic substance or harmful physical agent and where and when such substance or agent was used. (8 Cal. Code Regs. § 3204.)

2. The JPA may destroy the material safety data sheet (MSDS) for a hazardous substance after the JPA stops using the hazardous substance provided it keeps a record of the substance (chemical name if known) and when and where it was used for **thirty (30) years** (8 Cal. Code Regs. § 3204(d)(1)(B)(2).)

J. Video Monitoring, Telephone and Radio Communications; Other Video and Audio Recordings

1. The JPA shall retain recordings of **routine video monitoring** (e.g., building security taping systems) for at least **one (1) year**. After the one year retention period, the JPA may destroy the video recording upon approval by the JPA. (Gov. Code § 34090.6.)
2. Upon authorization of the JPA, recordings of telephone and radio communications maintained by the JPA may be destroyed after **100 days**. (Gov. Code § 34090.6.)
3. If the JPA keeps another record, such as written minutes, of an event that is recorded on video tape (e.g., JPA meetings), the JPA must keep the video tape recording of the event for **at least 90 days** after the occurrence of the event. **After 90 days**, the video tape may be destroyed or erased, upon approval by the JPA. (Gov. Code § 34090.7.)
4. When an audio tape recording of a meeting (e.g., JPA) is made solely to facilitate the preparation of minutes for that meeting, the tape recording may be destroyed or erased after it is no longer required and after the minutes for that meeting have been approved. (Gov. Code § 34090; 64 Ops.Atty.Gen. 317.)
5. Other audio or video tape recordings which are not related to the conduct of the public's business (e.g., educational or promotional videos) are not considered to be official JPA records and may be destroyed after they are no longer required, upon approval by the JPA. (Gov. Code §§ 6252, subd. (e); 34090.)

VI. ELECTRONIC COMMUNICATION

Electronic mail generates correspondence and other documentation which are public records in need of protection/retention in accordance with the California Public Records Act (Gov. Code §§ 6250-6276.48). Electronic communication also includes any messages sent through a Blackberry or other electronic device that end up as e-mail to or from any JPA employee (collectively, "e-mail"). The JPA's e-mail system should not be used to store or maintain documents, including, but not limited to, official JPA records.

It is the responsibility of individual employees to determine if e-mail is an JPA record which must be retained in accordance with the JPA's Records Retention and Destruction Policy.

Generally, an e-mail message and any attachments regardless of format may be considered an official JPA record if it: (1) is created or received in connection with official JPA business; (2) documents the formulation and implementation of JPA policies and decisions; or (3) initiates, authorizes or completes a transaction of official JPA business.

Preliminary drafts, notes or interagency or intra-agency memoranda which are not retained by the JPA in the ordinary course of business are generally not considered to be official JPA records subject to disclosure. Employees are encouraged to delete documents which are not otherwise required to be kept by law or whose preservation is not necessary or convenient to the discharge of your duties or the conduct of the JPA's business. Examples of e-mail messages that are not generally considered official JPA records may include: (1) personal messages and announcements not related to official JPA business; (2) messages with attached copies or extracts of documents distributed for convenience or reference (with the original documents being preserved according to the JPA's Records Retention and Destruction Policy); and (3) messages that are essentially cover notes or distribution slips. The JPA's General Counsel can assist you in determining whether an e-mail message is required to be retained and/or is necessary or convenient to the discharge of your duties or the conduct of the JPA's business.

Any e-mail message, including any attachments regardless of format, that can be considered an official JPA record must be preserved in accordance with the retention periods specified in the JPA's Records Retention and Destruction Policy. Generally, the JPA employee who sends an e-mail that qualifies as an official JPA record should be the person responsible for preserving that e-mail, but persons responsible for a particular program or project file shall also be responsible for preserving all e-mail they send or receive related to that program or project. JPA employees may print and file hard copies of e-mail messages that must be preserved. Employees may also save e-mail messages electronically, in electronic folders separate from their regular e-mail inboxes. However, e-mail messages must not be stored in an employee's regular inbox, since the JPA's automatic maintenance system will periodically delete e-mails from all inboxes. Many types of e-mail can also be stored electronically as a Word document. The JPA's Information Technology staff can assist employees with setting up electronic folders or other methods of electronically archiving e-mail messages. However, all e-mail messages that are retained electronically must be easy to retrieve, view and print out, if necessary.

For projects that involve two or more employees, any e-mails pertaining to a specific project should be retained in that project's central file(s). Employees should work with Information Technology staff on the best method for central storage of e-mails on a project to make sure the e-mails remain easily accessible to everyone.

In addition, any e-mail messages that relate to a claim or a potential claim against the JPA, must be preserved. Likewise, any e-mail messages that may relate to a lawsuit filed against the JPA, even if a subpoena or court order for such e-mail messages has not yet been issued, must be preserved. Under newly enacted federal rules regarding electronic discovery, any information stored electronically, including e-mail messages, must be produced for a requesting party. A court can impose severe penalties if e-mail messages relevant to a lawsuit are deliberately destroyed when it is known, or should have reasonably been anticipated, that a claim or lawsuit could be filed against the JPA. There are no penalties if electronic information is "lost" through "the routine operation of an electronic information system" (i.e., automatic deletion after a period

of time; automatic overwriting of backup tapes, etc.). (Rule 37(f) of the Federal Rules of Civil Procedure.) However, the JPA has a duty to preserve any relevant data when there is even a hint of possible litigation. Therefore, when JPA employees become aware of a potential claim, an actual claim, or a lawsuit against the JPA, they must preserve any e-mail messages and attachments that have any information relevant to that matter. The JPA's General Counsel can provide you with guidance on these issues.

VII. RECORDS RETENTION SCHEDULE

The "Records Retention Schedule" is attached to this policy as Attachment "A" and is incorporated herein by reference. This policy and the Records Retention Schedule shall comply with the records retention guidelines provided by the California Secretary of State and may be updated from time to time.

ATTACHMENT “A”
RECORDS RETENTION SCHEDULE

[Attached]

RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Accident/Illness Reports	Administration	<p>Not a public record; For Employee Medical Records & Employee Exposure Records regarding exposure to toxic substances or harmful physical agents --includes Material Safety Data Sheets (MSDS)</p> <p>Does NOT include: health insurance claims; 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</p>	<p>GC 6254(c)</p> <p>8 CCR 3204(d)(1)(A)(B)</p>	Length of employment plus 30 years
Accidents/Damage to District Property	Administration	Risk management administration	<p>GC 34090</p> <p>CCP 337.15</p>	10 years

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	LC	Labor Code (California)
CCR	California Code of Regulations	H&S	Health & Safety Code	PC	Penal Code (California)
CFR	Code of Federal Regulations	IRC	Internal Revenue Code	R&TC	Revenue & Taxation Code (California)
EC	Elections Code (California)	IRS	Internal Revenue Service	USC	United States Code

RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Accounts Payable	Finance	Journals, statements, asset inventories, account postings with supporting documents, vouchers	CCP 337 26 CFR 31.6001-1(e)(2); Sec. of State Guidelines recommendation	Until audited + 4 years
Accounts Payable	Finance	Invoices, reports, investments, purchase orders	CCP 337 26 CFR 31.6001-1(e)(2); Sec. of State Guidelines recommendation	Until audited + 4 years
Accounts Receivable	Finance	Checks received, reports, investments, receipt books	CCP 337 26 CFR 31.6001-1(e)(2); Sec. of State Guidelines recommendation	Until audited + 4 years
Affidavits of Publication / Posting	Administration	Legal notices for public hearings, publication of ordinances, etc.	GC 34090	2 years

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	LC	Labor Code (California)
CCR	California Code of Regulations	H&S	Health & Safety Code	PC	Penal Code (California)
CFR	Code of Federal Regulations	IRC	Internal Revenue Code	R&TC	Revenue & Taxation Code (California)
EC	Elections Code (California)	IRS	Internal Revenue Service	USC	United States Code

RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Agenda / Agenda Packets	Administration	Agendas and packets should be imaged immediately. A paper copy should be maintained for one year only.	GC 34090 GC 34090.5	2 years
Agenda reports (staff reports)	Administration	Paper copies of agenda packets should be maintained for 1 year as complete packets. Originals should be imaged immediately for permanent retention. The filmed record may serve as the permanent record.	GC 34090 GC 34090.5	2 years
Agreements	Administration	Original contracts and agreements and back-up materials, including leases	CCP 337 CCP 337.2	4 years after termination/ completion
Annexations / Reorganizations	Development	Notices, Resolutions, Certificates of Completion	GC 34090 GC 60201(d)(1)	Permanent
Annual Financial Report	Finance	Independent auditor analysis	GC 34090	Until audited + 2 years
Appraisals	Development	For real property owned by District – Not a public record until real estate transaction is complete	GC 34090 GC 6254(h)	2 years

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	LC	Labor Code (California)
CCR	California Code of Regulations	H&S	Health & Safety Code	PC	Penal Code (California)
CFR	Code of Federal Regulations	IRC	Internal Revenue Code	R&TC	Revenue & Taxation Code (California)
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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Articles of Incorporation	Administration		GC 34090 GC 60201	Permanent
Audit Reports	Finance	Financial services; internal and/or external reports; independent auditor analysis	GC 34090 Sec. of State Local Gov't. Records Retention Guidelines	Permanent [May be revised at a later time by Sec. of State or County officials]
Audit Hearing or Review	Finance	Documentation created and or received in connection with an audit hearing or review	GC 34090	2 years
Backflow Test Reports	Public Works	Reports of testing and maintenance – water supply	17 CCR § 7605	3 years
Bank Account Reconciliations	Finance	Bank statements, , receipts, certificates of deposit, etc.	26 CFR 31.6001-1(e)(2)	4 years (Sec. of State Guidelines – recommended retention: until audited + 5 years)
Benchmark Data	Development	Horizontal, vertical & control	GC 34090	2 years

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Bids, Accepted	Development	Includes plan and specifications; notices/affidavits.	GC 34090 CCP 337, 337.1	4 years
Bids, Unaccepted	Development	Unaccepted bid packages only	GC 34090 GC 60201	2 years
Billing records	Finance	Utility bill stubs – submitted with payment	GC 34090	Current + 2 years
Bonds	Finance	Authorization/public hearing records/prospectus/proposals/certificates/notices (transcripts)/registers/statements.	GC 34090	Permanent
Bonds – Employee	Finance	Personnel fidelity bonds	GC 34090	Current + 2 years
Bonds – Paid/Cancelled	Finance	Paid or cancelled bonds; warrant certificates; interest coupons	GC 34090 GC 53921	2 years
Bonds - Unsold	Finance	Unsold Bonds	GC 34090 GC 43900 et seq.	2 years
Bonds - Final	Finance	Final bond documentation; monthly statement of transactions; supporting documents	GC 34090 CCP 337.5	10 years
Bonds, Development	Finance	Housing; Industrial Development	CCP 337.5	10 years

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Bonds, Surety	Finance	Documentation created and/or received in connection with the performance of work/services for the District	CCP 337	4 years
Brochures/ Publications	Administration	Retain selected documents only for historic value.	GC 34090	2 years
Budget, Annual	Finance	Adjustments, journal entries, account transfers	GC 34090	Until audited + 2 years
Cal-OSHA	Administration	Personnel-Logs, Supplementary Record, Annual Summary (Federal & State-Cal OSHA)	LC 6410; 8 CCR 14307	5 years
California State Tax Records	Finance	Forms filed annually; quarterly and year-end reports	R&TC 19530 R&TC 19704	6 years
Capital Improvements, Construction	Public Works	Records on planning, design, construction, conversion or modification of local government-owned facilities, structures and systems	GC 34090; H&S 19850; Sec. of State Local Gov't. Records Mgmt. Guidelines	Permanent

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Checks	Finance	Includes originals of payroll, canceled and voided checks	GC 34090 CCP 337 Sec. of State Local Gov't. Records Mgmt. Guidelines	Until audited +5 years
Citizen Feedback	Administration	General correspondence.	GC 34090	2 years
Claims Against the District	Administration	Paid/Denied	GC 34090; GC 25105.5	Until settled + 5 years (May be microfilmed after 3 years)
Collective Bargaining Agreements	Administration		29 CFR 516.5	Current + 3 years
Complaints/Requests	Administration	Various files, not related to specific lawsuits involving the District and not otherwise specifically covered by the retention schedule.	GC 34090	2 years
Comprehensive Annual Financial Reports (CAFR)	Finance	Finance	GC 34090; CCP 337	Until audited + 4 years
Contracts	Administration	Original contracts and agreements and back-up materials.	CCP 337	4 years after termination/ completion

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Correspondence	Administration	General correspondence, including letters and e-mail; Various files, not otherwise specifically covered by the retention schedule.	GC 34090	2 years
Deeds, Real Property	Development	File with recorded documents; originals may not be destroyed.	GC 34090 GC 60201(d)	Permanent
Deferred Compensation Reports	Finance	Finance - pension/retirement funds	29 CFR 516.5 29 CFR 1627.3	3 years
Demographic/ Statistical Data	Administration		GC 34090	Current + 2 years
Deposits, Receipts	Finance	Receipts for deposited checks, coins, currency	GC 34090 CCP 337	Until audited + 4 years
DMV Driver Information Reports	Administration	Personnel--Not a public record.	GC 34090 GC 6254(c)	Until superseded
Easements, Real Property	Development	File with recorded documents; originals may not be destroyed.	GC 34090	Permanent

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Economic Interest Statements - Form 700 (copies) (elected officials)	Administration	Copies of original statements of elected officials forwarded to Fair Political Practices Commission.	GC 81009(f), (g)	4 years (can image after 2 years)
Economic Interest Statements - Form 700 (originals) - non-elected	Administration	Originals of statements of designated employees	GC 81009(e), (g)	7 years (can image after 2 years)
Election - Administrative Documents	Administration	Not ballot cards or absentee voter lists/applications.	GC 34090	2 years
Election – Affidavit Index	Administration	Voter registration index	EC 17001	5 years
Election - Ballots and Related Documents	Administration	STATE & LOCAL ELECTIONS: All ballot cards (voted, spoiled, canceled) arranged by precinct, unused absentee ballots, ballot receipts, absent voter identification envelopes, absentee voter applications. May be destroyed subject to any pending contest.	EC 17302, 17306, 17505	6 months
Election - Ballots and identification envelope – Federal offices	Administration	For elections to Federal office (President, Vice President, US Senator, US Representative)	EC 17301	22 months

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Election - Ballots - Prop. 218 (Assessment Districts)	Administration	Ballots - Property related fees (assessment ballot proceeding) [Ballots are disclosable public records during and after tabulation]	GC 53753(e)(2)	2 years
Election - Canvass	Administration	Notifications and Publication of Election Records used to compile final election results, including tally sheets, voting machine tabulation, detailed breakdown of results; special election results	EC 17304	6 months
Election - Certificates of Election	Administration	Certificates of election; original reports and statements	GC 81009(a)(d)	Termination + 4 years
Election - Election Official's Package of Documents	Administration	Package of 2 tally sheets, copy of index, challenge lists, assisted voters list. Public record - all voters may inspect after commencement of official canvass of voters	EC 17304	6 months
Election - Nomination Documents - successful	Administration	All nomination documents and signatures in lieu of filing petitions	EC 17100	during term and 4 years after

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Election - Nomination Documents - unsuccessful	Administration		GC 81009(b)	5 years
Election Petitions - Initiative/Recall/Ref. Charter Amendments	Administration	Not a public record - documents resulting in an election - retention is from election certification.	EC 17200, 17400 GC 6253.5; EC 17400; GC 34458-60	8 months
Election Petitions - No election	Administration	Not a public record. Not resulting in an election. Retention is from final examination.	EC 17200, 17400 GC 6253.5	8 months
Election - Precinct Records	Administration	From date of election: Precinct official material; declaration of intention; precinct board member applications; orders appointing members of precinct boards and designating polling places includes notice of appointment of office and record of service	EC 17503	5 months

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Election - Roster of Voters	Administration	From date of election; initiative; referendum recall; general municipal election; Charter Amendments	EC 17300	5 years
Election - Voter Affidavits	Administration	Affidavits of registration (including cancelled affidavits); voter registration index	EC 17000, 17001	5 years
Election - Voter Registration Signature Copy	Administration	Fire, special or school district	EC 17000	5 years
Employee Bonds	Administration	Personnel fidelity bonds	GC 34090	While employed + 2 years
Employee Files	Administration	Personnel--Not a public record.	GC 12946 GC 6254(c)	While current + 2 years
Employee Information, General	Administration	Name, address, date of birth, occupation	GC 12946 29 CFR 1627.3 LC 1174	3 years
Employee Information, Payment	Administration	Rate of pay and weekly compensation earned	GC 60201	7 years

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Employee Information - CEIR	Administration	Personnel--California Employer Information Report (for employers of 100 or more employees)	2 CCR 7287(a), 2 CCR 7287(c)(2) GC 12946	2 years
Employee Information - Applicant Identification Records	Administration	Personnel--Data regarding race, sex, national origin of applicants	2 CCR 7287(b), (c)(2)	Current + 2 years
Employee, Medical & Exposure Records (toxic substances or harmful physical agents)	Administration	<p>Medical records are part of personnel file --not a public record.</p> <p>Includes medical records made or maintained by a physician, nurse, or other health care personnel, or technician pertaining to employees exposed to toxic substances or harmful physical agents.</p> <p>Does <u>not</u> include first-aid records of one-time treatment made on-site by a non-physician or observation of minor scratches, cuts, burns, splinters, etc., which do not involve medical treatment, loss of</p>	<p>GC 6254(c)</p> <p>29 CFR 1910.1020</p> <p>8 CCR 3204 (d)(1)(A)(B)</p>	Length of employment + 30 years

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
		consciousness, restriction of work or motion, or transfer to another job. (For employees of less than 1 year, no need to retain medical records regarding exposure to toxic substances/harmful physical agents if they are returned to employee upon termination)		
Employee, Non-safety	Administration	Non-safety employee records may include: Release Authorizations; Certifications; Reassignments; outside employment; commendations, disciplinary actions; terminations; Oaths of Office; evaluations-pre-employee medicals; fingerprints; identification cards (ID's)	29 CFR 1627.3 GC 12946	Length of employment + 3 years

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Employee Programs	Administration	Includes EAP and Recognition	GC 34090 GC 12946	Current + 2 years
Employee, Recruitment	Administration	Alternate lists/logs, ethnicity disclosures, examination materials, examination answer sheets, job bulletins	GC 12946 GC 34090 29 CFR 1602.31 29 CFR 1627.3	Current + 2 years
Employee, Reports	Administration	Employee statistics, benefit activity, liability loss	GC 34090	Current + 2 years
Employee, Safety	Administration	Police, fire, emergency employees may include: Release authorizations; certifications; reassignments; outside employment; commendations; disciplinary actions; terminations; Oaths of Office; evaluations-pre-employment medical evaluations	29 CFR 1627.3 29 CFR 1602.31 29 CFR 516.6 et. seq. 45 CFR 1068.6(a) GC 34090 GC 12946	Current + 3 years
Employee Rights - General	Administration		GC 12946 29 CFR 1602.14	Length of employment + 2 years

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Employment Applications - Not Hired	Administration	Applications submitted for existing or anticipated job openings, including any records pertaining to failure or refusal to hire applicant	GC 34090 GC 12946	2 years
Employment Eligibility Verification (I-9 Forms)	Administration	Federal Immigration and Nationality Act; Immigration Reform/Control Act 1986	8 USC 1324a (b)(3) Pub. Law 99-603	3 years after date of hire, or 1 year after date of termination, whichever is later
Employment - Surveys and Studies	Administration	Includes classification, wage rates	GC 12946 GC 34090 29 CFR 516.6	2 years
Employment - Training Records, Non-Safety	Administration	Volunteer program training - class training materials, internships	GC 34090 GC 12946	Length of employment + 2 years
Employment - Personnel (by name)	Administration	Paperwork documenting internal and external training	GC 34090 GC 12946	Length of employment + 2 years
Employment - Public Safety	Administration	Certification/designations	GC 34090 GC 12946	Length of employment + 2 years

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Employment - Vehicle Mileage Reimbursement Rates	Administration	Annual mileage reimbursement rates	GC 34090	Until superseded
Environmental Quality Air Quality (AQMD)	Development	Participants/voucher logs, Total Daily Mileage Survey (TDM); various local authorities; Commute Alternative	CCP 338(k); GC 34090	3 years
Environmental Quality Asbestos	Development	Documents, abatement projects, public buildings	GC 34090	Permanent
Environmental Quality California Environmental Quality Act (CEQA)	Development	Exemptions, Environmental Impact Report, Mitigation monitoring, negative declaration, notices of completion and determination, comments, statements of overriding considerations	GC 34090 CEQA Guidelines	Permanent
Environmental Quality Congestion Management	Development	Ride sharing, trip management	GC 34090	Completion + 2 years
Environmental Quality Environmental Review	Development	Correspondence, consultants, issues, conservation	GC 34090	Completion + 2 years

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Environmental Quality Pest Control	Development	Pesticide applications, inspections and sampling documents	GC 34090	Completion + 2 years
Environmental Quality Soil	Development	Analysis, construction recommendations	GC 34090	Completion + 2 years
Environmental Quality Soil Reports	Development	Final Reports	GC 34090	Permanent
ERISA Records	Administration	Employee Retirement Income Security Act of 1974 - plan reports, certified information filed	29 USC 1027	6 years
ERISA Records	Administration	Employee Retirement Income Security Act of 1974 - records of benefits due	29 USC 1059	Indefinitely
Ethics Training Records (AB 1234; effective 1/1/06)	Administration	Records required to be kept under Gov. Code section 53235.2 (effective 1/1/06). Records must show dates that local officials satisfied the training requirements and the entity that provided the training	GC 53235.2	5 years after receipt of training

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Family and Medical Leave Act (Federal)	Administration	Records of leave taken, District policies relating to leave, notices, communications relating to taking leave	29 CFR 825.500 GC 12946	While employed +3 years (Federal) or 2 years (State)
Federal Tax Records	Finance	May include Forms 1096, 1099, W-4 and W-2	29 USC 436 26 CFR 31.6001.1-4 26 CFR 31.6001-1(e) 29 CFR 516.5-516.6	5 years after file date
Fire Protection District Administration	Public Safety	Administrative documents.	GC 34090	2 years
Fire Safety Administration	Public Safety	General orders, policies & procedures	GC 34090	Until superseded + 2 years
Fixed Assets Inventory	Finance	Reflects purchase date, cost, account number	GC 34090	Until audited + 2 years

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Fixed Assets Surplus Property	Finance	Auction; disposal – Listing of property; sealed bid sales of equipment	GC 34090 CCP 337	Until audited + 4 years
Fixed Assets Vehicle Ownership & Title	Finance	Title transfers when vehicle is sold.	VC 9900 et. seq.	Until sold
Forms	Administration	Administrative - blank		Until Superseded
Fund Transfers	Finance	Internal; bank transfers & wires	GC 34090	Until audited + 2 years
General Ledgers	Finance	All annual financial summaries--all agencies	GC 34090 CCP 337 Sec. of State Local Gov't. Records Retention Guidelines	Permanent [May be revised at a later time by Sec. of State or County officials]
Gifts/Bequests	Finance	Receipts or other documentation	GC 34090	Until completed + 2 years

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Grants Community Development Block Grant (CDBG); Urban Development; other Federal and State grants	Development	Grants documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub-recipient dockets, environmental review, grant documents, inventory, consolidated plan, etc.	GC 34090 24 CFR 570.502 24 CFR 85.42	Until completed + 4 years
Hazardous Materials - Hazardous Waste Disposal	Public Safety	Documents regarding handling and disposal of hazardous waste [Permanent retention of environmentally sensitive materials is recommended]	CAL OSHA;	While current + 10 years
Hazardous Materials - Permits, Hazardous Materials Storage	Public Safety	[Permanent retention of environmentally sensitive materials is recommended]	GC 34090	While current + 2 years
Hazardous Materials - Exposure Records, etc.	Public Safety	Employee exposure records; name/identity of chemical substance used; when & where chemical substance was used	8 CCR 3204(d) et. seq.	30 years

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Hazardous Materials - Underground Storage Tank	Public Safety	Compliance: Documents regarding: storage, location, installation, removal, remediation, maintenance and repair	GC 34090	Permanent
Improvements (lighting, underground utility) – supporting documents	Public Works	Supporting documents – bonds, taxes, construction	GC 34090 Sec. of State Local Gov't. Records Mgmt. Guidelines	Permanent
Information Services, Internet/World Wide Web	Administration	Management policies and supporting documentation	GC 34090	Until superseded + 2 years
Information Systems, Inventory	Administration	Hardware/software inventory logs; systems manuals	GC 34090	Until superseded + 2 years
Information Systems, Network Information Systems (LAN/WAN)	Administration	Configuration maps and plans	GC 34090	2 years

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Information Systems, Program Files and Directories	Administration		GC 34090	2 years
Information Systems, Tapes	Administration	System generation	GC 34090	2 years
Insurance	Finance	Personnel related	GC 34090	Current + 2 years
Insurance, Joint Powers Agreement	Finance	Accreditation, MOU, agreements and agendas	GC 34090	Current + 2 years
Insurance Certificates	Finance	Liability, performance bonds, employee bonds, property: Insurance certificates filed separately from contracts, includes insurance filed by licensees.	GC 34090	Current + 2 years
Insurance, Liability/Property	Finance	May include liability, property, Certificates of Participation, deferred, use of facilities	GC 34090	Current + 2 years

Legal Authority Abbreviations

CCP	Code of Civil Procedure (California)	GC	Government Code (California)	LC	Labor Code (California)
CCR	California Code of Regulations	H&S	Health & Safety Code	PC	Penal Code (California)
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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Insurance, Risk Management Reports	Finance	Federal OSHA Forms; Loss Analysis Report; Safety Reports; Actuarial Studies	29 CFR 1904.44 GC 34090	5 years (Federal) 2 years (State)
Investment Reports, Transactions	Finance	Summary of transactions, inventory and earnings report	GC 34090 CCP 337 Sec. of State Local Gov't. Records Retention Guidelines	Permanent
Invoices	Finance	Copies sent for fees owed, billing, related documents	GC 34090	Until audited + 2 years
Legal Notices/Affidavits of Publication	Administration		GC 34090	2 years
Legal Opinions	Administration	Confidential – not for public disclosure (attorney-client privilege)	GC 34090	Until superseded + 2 years
Litigation	Administration	Case files	GC 34090	Until settled or adjudicated + 2 years

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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Local Appointments List ("Maddy List")	Administration	List of all regular and ongoing boards, commissions, and committees appointed by the legislative body – pursuant to the Maddy Local Appointive List Act	GC 54970 et seq. GC 60201 et seq.	Until superseded (new list prepared each year by Dec. 31 st)
Maintenance Manuals	Administration	Equipment service/maintenance	GC 34090	Current + 2 years
Maintenance/Repair Records	Administration	Equipment	GC 34090	2 years
Marketing, Promotional	Administration	Brochures, announcements, etc.	GC 34090	2 years
Meter Operations	Public Works	Reader reports; orders; tests; maintenance reports	GC 34090	2 years
Meter Reading	Public Works	Reports and rebate reports	GC 34090	Current + 2 years
Minutes	Administration	Minutes of District Board meetings. Documents are to be imaged immediately. Paper records are to be maintained permanently by the Board.	GC 34090, 60201	Permanent

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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Newsletter, District	Administration	May wish to retain permanently for historic reference.	GC 34090	2 years
Notices – Public Meetings	Administration	Special Meetings	GC 34090	2 years
Oaths of Office	Administration	Elected and public officials – Board Members	GC 34090 29 USC 1113	Current plus 6 years
OSHA	Administration	OSHA Log 200, Supplementary Record, Annual Summary (Federal & State-Cal-OSHA)	LC 6410; 8 CCR 14307 29 CFR 1904.2 - 1904.6	5 years
OSHA (Accident/Illness Reports)	Administration	Personnel - Employee Exposure Records & Employee Medical Records Not a public record	LC 6410; 8 CCR 14307; 8 CCR. 3204; GC 6254(c)	Duration of employment plus 30 years
Paramedic Services	Public Safety	Documents other than original contracts.	GC 34090	2 years
Payroll - Federal/State Reports	Finance	Annual W-2's, W-4's, Form 1099s, etc.; quarterly and year-end reports	GC 60201	7 years

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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Payroll Deduction/ Authorizations	Finance	Finance	29 CFR 516.6(c) GC 60201	While Current + 7 years
Payroll, registers	Finance	Finance	29 CFR 516.5(a) LC 1174(d) GC 60201	7 years
Payroll, registers	Finance	Labor costs by employee and program	Sec. of State Local Gov't Records Mgmt. Guidelines	Permanent
Payroll records, terminated employees	Finance	Finance files	29 CFR 516.5 GC 60201	7 years from date of last entry
Payroll, time cards/sheets	Finance	Employee	29 C.F.R. Part 516.6; 8 Cal. Code Regs. §§ 11000-11150; Labor Code § 1174; Sec. of State Local Gov't. Records Mgmt. Guidelines	6 years
Payroll - Wage Rates / Job Classifications	Finance	Employee records	GC 60201	While current + 7 years

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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
PERS - Employee Benefits	Administration	Retirement Plan	29 USC 1027	6 years
Personnel Records	Administration	Other records (not payroll) containing name, address, date of birth, occupation, etc., including records relating to promotion, demotion, transfer, lay-off, termination	29 CFR 1627.3	3 years
Personnel Rules and Regulations	Administration	Including employee handbook	GC 34090	Current + 2 years
Petitions	Administration	Submitted to legislative bodies	GC 34090	Current + 2 years
Policies, Administrative	Administration	All policies and procedures, directives rendered by the District not assigned a resolution number	GC 34090	Current + 2 years
Policies, District Board	Administration	Original policies adopted by the District Board	GC 34090	Current + 2 years
Political Support/Opposition, Requests & Responses	Administration	Related to legislation.	GC 34090	2 years

Legal Authority Abbreviations

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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Press Releases	Administration	Related to District actions/activities.	GC 34090	2 years
Procedure Manuals	Administration	Administrative.	GC 34090	Current + 2 years
Property, Abandonment	Development	Buildings, condemnation, demolition	GC 34090	Permanent
Property Acquisition/ Disposition	Development	District owned. Supporting documents regarding sale, purchase, exchange, lease or rental of property by District	CCP 337.15	10 years
Public Records Request	Administration	Requests from the public to inspect or copy public documents	GC 34090	2 years
Purchasing RFQ's, RFP's	Finance	Requests for Qualifications; Requests for Proposals regarding goods and services	GC 34090	Current + 2 years
Purchasing, Requisitions, Purchase Orders	Finance	Original Documents	GC 34090 CCP 337	Until audited + 4 years

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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Recordings - audiotaped	Administration	Taped recordings of Board meetings - for preparation of Board meeting minutes	GC 34090 64 Ops.Atty.Gen 317	Until no longer required for preparation of minutes (after minutes are approved)
Recordings - routine video monitoring, telephone, and radio communications	Administration	Routine daily taping/recording of telephone communications & radio communications; routine video monitoring including in-car video systems, jail observation/monitoring systems, building security systems	GC 53160	Videos - 1 year; Phone & Radio communications - 100 days (destruction must have be approved by legislative body)
Recordings, videotaped – meetings of legislative bodies	Administration	Tapes of public meetings made by or at the direction of the District (e.g., Board meetings)	GC 54953.5	30 days
Recordings, videotaped	Administration	Other than videotapes of public meetings; Considered duplicate records if another record of the same event is kept (i.e., written minutes)	GC 53161	90 days after event is recorded
Records Management Disposition Certification	Administration	Documentation of final disposition of records	GC 34090	Permanent

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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Records Retention Schedules	Administration		GC 34090	Current + 2 years
Recruitments and Selection	Administration	Records relating to hiring, promotion, selection for training	29 CFR 1627.3	3 years
Resolutions	Administration	Vital records - originals may never be destroyed. Image immediately.	GC 34090	Permanent
Returned Checks	Finance	Finance-NSF (not District checks)	GC 34090	2 years after audit
Salary Surveys	Finance	Surveys of other agencies	GC 34090	2 years
State Controller	Finance	Annual reports.	GC 34090	2 years
State Tax Records	Finance	Filed annually; quarterly	Refer to Federal Tax Records	5 years after file date
Stop Payments	Finance	Finance - bank statements	GC 34090	2 years
Taxes, Special	Finance	Special tax levied by a local agency on a per parcel basis	CCP 338(m)	Until audited + 3 years

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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Underground Utility – supporting documents	Public Works	Supporting documents for improvements, lighting – bonds, taxes, construction	GC 34090 Sec. of State Local Gov't. Records Mgmt. Guidelines	Permanent
Unemployment Insurance Records	Finance		IRC 3301-3311	4 years
Utility Services - Applications	Public Works	Applications for utility connections, disconnects, registers, service	GC 34090	Completion + 2 years
Utility Services - Billing Records	Public Works	Customer name, service address, meter reading, usage, payments, applications/cancellations	GC 34090	Until audited + 2 years
Utility Services - Journals, Utility Billing	Public Works	Billing including monthly activity	GC 34090	Until audited + 2 years
Utility Services - Meter Reading; Reports	Public Works		GC 34090	Current + 2 years

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RECORDS RETENTION SCHEDULE FOR METRO WASTEWATER JOINT POWERS AUTHORITY

Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 - 60204.)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Utility Services - Utility Rebates, Reports	Public Works		GC 34090	Current + 2 years
Vouchers - Payments	Finance	Account postings with supporting documents	GC 34090 CCP 337	Until audited + 4 years
Warrant Register/Check Register	Finance	Record of checks issued; approved by legislative body (copy is normally retained as part of agenda packet information)	GC 34090	Until audited + 2 years
Workers Compensation Files	Finance	Work-injury claims (including denied claims); claim files, reports, etc.	8 CCR 10102 8 CCR 15400.2	Until settled + 5 years

Legal Authority Abbreviations

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CFR	Code of Federal Regulations	IRC	Internal Revenue Code	R&TC	Revenue & Taxation Code (California)
EC	Elections Code (California)	IRS	Internal Revenue Service	USC	United States Code

Agenda Item 7

**SECOND AMENDMENT TO THE AGREEMENT FOR
PROFESSIONAL SERVICES BETWEEN METRO
WASTEWATER JOINT POWERS AUTHORITY
AND AR CONSULTING**

THE SECOND AMENDMENT is made and entered into this 2nd day of September 2010, by and between Metro Wastewater Joint Powers Authority (hereinafter referred to as the "Metro JPA"), a joint powers authority organized and operating pursuant to California Government Code section 6500 *et seq.*, and Abel Rodriguez, dba AR Consulting (hereinafter referred to as "Consultant").

RECITALS

A. Whereas Metro JPA and Consultant did enter into an agreement for professional services (hereinafter referred to as "Agreement") on September 11, 2008 for Consultant to provide Website maintenance, and related services; and

B. WHEREAS, Section 2 and Section 12 of the Agreement provide that the Agreement may be modified or altered by a writing signed by both parties; and

C. WHEREAS, both Metro JPA and Consultant mutually desire to amend the Agreement to extend the time of performance;

NOW THEREFORE, in consideration of the mutual obligations of the parties herein expressed, Metro JPA and Consultant agree as follows:

1. Section 4 of the original Agreement is amended as necessary to extend the end date of Consultant services until September 11, 2011.

2. All other terms and conditions of the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this Second Amendment to Agreement is executed by Metro JPA and by Consultant on the day and year first written above.

METRO WASTEWATER JOINT POWERS AUTHORITY		AR CONSULTING
By: _____ Ernest Ewin		By: _____ Abel Rodriguez

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP	
By: _____ Paula C. P. de Sousa General Counsel Metro Wastewater Joint Powers Authority	

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN METRO WASTEWATER JOINT POWERS AUTHORITY
AND AR CONSULTING**

This agreement is made and entered into as of September 11, 2008, by and between the METRO WASTEWATER JOINT POWERS AUTHORITY (hereinafter referred to as the "Metro JPA"), a joint powers authority organized and operating pursuant to California Government Code section 6500 *et seq.*, and Abel Rodriguez, dba AR Consulting (hereinafter referred to as "Consultant").

RECITALS

A. Metro JPA would like to retain the services of Consultant to provide Website maintenance, and related services as set forth in more detail herein.

B. Consultant has the necessary qualifications and experience to provide such services.

C. The parties desire by this agreement to establish the terms for Metro JPA to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services and Compensation.

a. Consultant shall provide the Metro JPA with the services described in the Scope of Services attached hereto as Exhibit "A" and incorporated herein.

b. Metro JPA Control of Website. Metro JPA shall be entitled to upload or electronically transmit Metro JPA content directly to the Website. Consultant shall provide all support reasonably necessary to enable Metro JPA to upload or electronically transmit Metro JPA content to, and/or otherwise implement modifications to Metro JPA content located on, the Website. Metro JPA shall have sole and final discretion over the form, functionality, substance, and appearance of the Website. Consultant shall not supplement, modify, or alter the Website, in whole or in part, without Metro JPA's prior written consent (other than modifications strictly necessary to upload the Metro JPA Content to the Website or otherwise necessary for the performance of Consultant's obligations hereunder). Consultant will make required changes to the Website at the rates delineated in Exhibit "A."

2. Additional Work.

If changes in the work seem merited by Consultant or the Metro JPA, and informal consultations with the other party indicate that a change is warranted, it shall be processed by the Metro JPA in the following manner: a letter outlining the changes shall be forwarded to the Metro JPA by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the Metro JPA and executed by both parties before performance of such services, or the Metro JPA will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this agreement.

3. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the Agreement period and for four (4) years from the date of final payment under the Agreement for inspection by Metro JPA.

4. Time of Performance.

Consultant shall perform its services in a prompt and timely manner, in accordance with the Scope of Work attached hereto as Exhibit "A." The term of this Agreement is one (1) year from the date of execution of this Agreement.

5. Delays in Performance.

Neither Metro JPA nor Consultant shall be considered in default of this agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this agreement.

6. Compliance with Law.

Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government.

7. Warranties.

"Intellectual Property Rights" means, on a worldwide basis, any and all now known or hereafter known tangible and intangible (a) rights associated with works of authorship including, without limitation, copyrights, moral rights, and mask-works, (b) trademark and trade name rights and similar rights, (c) trade secret rights, (d) patents, designs, algorithms, and other industrial property rights, (e) all other intellectual and industrial property rights of every kind and nature and however designated, whether arising by operation of law, contract, license, or otherwise, and (f) all registrations, initial applications, renewals, extensions, continuations, divisions, or reissues thereof now or hereafter in force (including any rights in any of the foregoing). Consultant represents and warrants to Metro JPA that no work product produced under this Agreement, tools, or Consultant-made changes to any content shall (a) infringe on the Intellectual Property Rights of any third party or any rights of publicity or privacy; (b) violate any law, statute, ordinance, or regulation; (c) be defamatory, trade libelous, unlawfully threatening, or unlawfully harassing; (d) be obscene, pornographic, or indecent; and (e) contain any viruses, trojan horses, trap doors, back doors, easter eggs, worms, time bombs, cancelbots, or other computer programming routines that are intended to damage, detrimentally interfere with, surreptitiously intercept, or expropriate any system, data, or personal information.

8. Ownership.

The Work Product is and shall remain the sole and exclusive property of Metro JPA, and Metro JPA shall retain all Intellectual Property Rights therein upon final payment of invoices for work completed by Consultant upon final payment of invoices for work completed by Consultant. If Consultant is deemed to retain any Intellectual Property Rights in any Work Product under applicable law, Consultant hereby irrevocably assigns to Metro JPA all such Intellectual Property Rights. If Consultant has any such Intellectual Property Rights that cannot be assigned to Metro JPA under applicable law, Consultant waives the enforcement thereof. If Consultant has any such Intellectual Property Rights that cannot be assigned or waived under applicable law, Consultant hereby grants to Metro JPA an exclusive, worldwide, sublicenseable (through multiple tiers), assignable, royalty-free, perpetual, irrevocable, fully paid-up license to use, reproduce, distribute (through multiple tiers), create

derivative works of, publicly perform, publicly display, digitally perform, make, have made, sell, offer for sale, and import such Work Product. Consultant acknowledges that there are, and may be, future rights that Metro JPA may otherwise become entitled to with respect to the Work Product that do not yet exist, as well as new uses, media, and means and forms of exploitation throughout the world exploiting current or future technology yet to be developed, and Consultant specifically intends the foregoing assignment of rights to Metro JPA to include all such now known or unknown uses, media, and means and forms of exploitation throughout the world.

9. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

10. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this agreement or any rights under or interest in this agreement without the written consent of the Metro JPA, which may be withheld for any reason. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

11. Independent Consultant

Consultant is retained as an independent Consultant and is not an employee of Metro JPA. No employee or agent of Consultant shall become an employee of Metro JPA. The work to be performed shall be in accordance with the work described in Exhibit "A," subject to such directions and amendments from Metro JPA as herein provided.

12. Integration

This Agreement represents the entire understanding of Metro JPA and Consultant as to those matters contained herein, and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. This agreement may not be modified or altered except in writing signed by both parties hereto. This is an integrated agreement.

13. Insurance

a. Automobile Liability

(i) At all times during the performance of the work under this agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the Metro JPA.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 0001 (ed. 12/93) covering automobile liability, Code 1 (any auto).

(iii) The automobile liability program may utilize deductibles, but not a self-insured retention, subject to written approval by the Metro JPA.

c. Workers' Compensation

(i) In the event Consultant has employees, at all times during the performance of Services under this Agreement, the Consultant shall maintain workers' compensation in compliance with applicable statutory requirements.

(ii) Such insurance shall include an insurer's Waiver of Subrogation in favor of the Metro JPA and will be in a form and with insurance companies acceptable to the Metro JPA.

(iii) If insurance is maintained, the workers' compensation program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the Metro JPA.

(iv) Subject to the limitations set forth in subdivision (i) of this Section, before beginning work, the Consultant shall furnish to the Metro JPA satisfactory proof that he/she has taken out for the period covered by the work under this agreement, full compensation insurance for all persons employed directly by him/her or through subconsultants in carrying out the work contemplated under this agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV or the Labor Code of the State of California and any acts amendatory thereof. Consultant shall require all subconsultants to obtain and maintain workers' compensation coverage of the same type and limits as specified in this Section.

d. Automobile Liability

(i) The following insurance limit is required for the Agreement:

Combined Single Limit

Automobile Liability

\$1,000,000 per occurrence for bodily injury and property damage

e. Evidence Required

Prior to execution of the agreement, the Consultant shall file with the Metro JPA evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 2010 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent). All evidence of insurance shall be certified by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional primary insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

f. Policy Provisions Required

(i) All policies shall contain a provision for 30 days advance written notice by the insurer(s) to the Metro JPA of any cancellation. Statements that the carrier "will endeavor" and "that failure to mail such notice shall impose no obligation and liability upon the company, its agents or representatives," will not be acceptable on certificates.

(ii) All policies shall contain a provision stating that the Consultant's policies are primary insurance and the insurance of the Metro JPA or any named insureds shall not be called upon to contribute to any loss. All policies shall also name the Metro JPA, the Board and each member of the Board, its officers, employees, agents and Metro JPA designated volunteers as Additional Insureds under the policy.

g. Qualifying Insurers

All policies required shall be issued by acceptable insurance companies, as determined by the Metro JPA, which satisfy the following minimum requirements: Insurance carriers shall be qualified to do business in California and maintain an agent for process within the state. Such insurance carrier shall have not less than an "A-" policyholder's rating and a financial rating of not less than "Class VII" according to the latest Best Key Rating Guide.

h. Additional Insurance Provisions

(i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the Metro JPA, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this agreement, including but not limited to, the provisions concerning indemnification. Neither the Metro JPA nor the Board, nor any member of the Board, nor any of the directors, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of the Agreement.

(ii) If at any time during the life of the agreement, the Consultant fails to maintain in full force any insurance required by the agreement documents, the Metro JPA may acquire the necessary insurance for the Consultant and deduct the cost thereof from the appropriate progress payments due the Consultant.

(iii) The Consultant shall include all subconsultants as insureds under its policies or shall furnish separate certificates and endorsements for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

(iv) The Metro JPA may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Agreement.

14. Indemnification

Consultant agrees to protect, save, defend and hold harmless Metro JPA and its Board and each member of the Board, officers, agents and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death or any person, or damage to property, or interference with use of property, including loss of use, arising out of or in any way connected with the negligent performance or willful misconduct under this agreement by Consultant, Consultant's agents, officers, employees, subconsultants, or independent consultants hired by Consultant. The only exception to Consultant's responsibility to protect, save, defend and hold harmless Metro JPA, is due to the sole negligence, willful misconduct or active negligence of Metro JPA. This hold harmless agreement shall apply to all liability regardless of whether any insurance policies are applicable. The policy limits does not act as a limitation upon the amount of indemnification to be provided by Consultant.

15. Laws, Venue, and Attorneys' Fees

This agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this agreement, the action shall be brought in a state or federal court situated in the County of San Diego, State of California. In the event of any such litigation between the parties, the prevailing party shall be entitled to recover all reasonable costs incurred, including reasonable attorney's fees, as determined by the court.

16. Termination or Abandonment

a. Metro JPA has the right to terminate or abandon any portion or all of the work under this agreement by giving ten (10) calendar days written notice to Consultant. In such event, Metro JPA shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. Metro JPA shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by Metro JPA and Consultant of the portion of such task completed but not paid prior to said termination. Metro JPA shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this agreement upon thirty (30) calendar days' written notice to Metro JPA only in the event of substantial failure by Metro JPA to perform in accordance with the terms of this agreement through no fault of Consultant.

17. Notice

Any notice or instrument required to be given or delivered by this agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

METRO JPA:
c/o City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

CONSULTANT:
AR Consulting
1157 23rd Street, No 2
San Diego, CA 92102

Attn: Lori Anne Peoples

Attn: Abel Rodriguez

and shall be effective upon receipt thereof.

18. Data

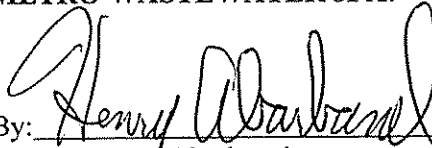
Consultant shall be entitled to rely upon the accuracy of data and information provided by the Metro JPA without independent review or evaluation unless such review or evaluation is specified in the scope of services.

19. Third Party Rights

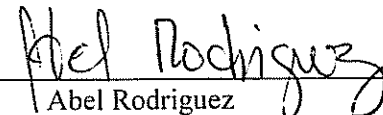
Nothing in this agreement shall be construed to give any rights or benefits to anyone other than the Metro JPA and the Consultant.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first written above.

METRO WASTEWATER JPA:

By: 
Henry Abarbanel
Chairperson

AR CONSULTING:

By: 
Abel Rodriguez

APPROVED AS TO FORM:


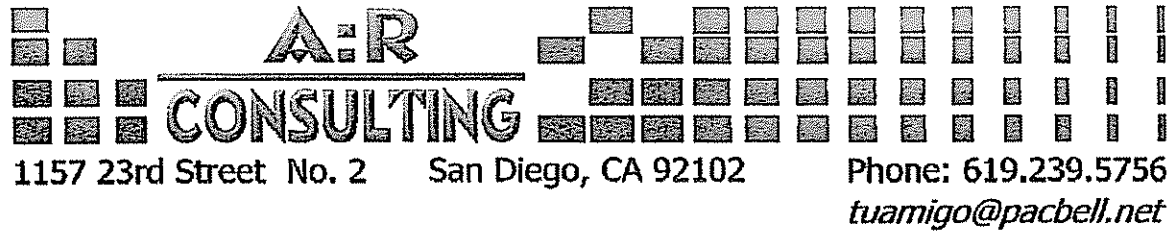

Paula C. P. de Sousa
General Counsel
METRO WASTEWATER JPA

EXHIBIT A – Scope of Services & Schedule of Charges/Payments



September 3, 2008

This proposal is to provide web site maintenance services for www.metrojpa.com in accordance with the provisions hereof.

1. Commitments

- a) AR CONSULTING will make no commitments to suppliers, sub-contractors or any other outside parties on behalf of the client without prior written authorization by the Client.
- b) AR CONSULTING will not share, disclose or otherwise transmit and any data regarding the operation and functionality of the site to outside parties without the prior written authorization of the Client.
- c) AR CONSULTING will notify Client immediately of any breach, attack or unauthorized attempt to access Client website.

2. Scope of Services

- a) AR CONSULTING will continue to provide basic Search Engine Optimization (SEO) services to the current website.
- b) AR CONSULTING will provide client detailed traffic reports on a quarterly or monthly basis for the website.
- c) AR CONSULTING will upload all requested updates for: monthly news briefs, agenda information, general news updates and Metro JPA news items as requested. AR CONSULTING will also convert any of the listed items into PDF format upon the request of the client. All items submitted by client via electronic format to AR CONSULTING will be uploaded and available on the same business day.
- d) AR CONSULTING will ensure proper functionality and performance of current website.

3. Compensation

- a) AR CONSULTING will invoice client the sum of \$55 monthly of the services listed above. Invoices are payable Net 30 from the date billed.
- b) The 12-month hosting fee will be \$100. This fee assumes a similar level of service as the

current site. ***The current hosting contract will expire on November 11, 2008.***

4. Additional Services

- a) AR CONSULTING will provide client with a written estimate for requested services outside the scope of this agreement.
- b) This agreement does not cover any fees regarding Domain Name Registration. ***The domain name for this site (www.metrojpa.com) is set to expire on December 06, 2008.***
- c) The relationship of Client and AR CONSULTING is that solely of principal and agent.

**FIRST AMENDMENT TO THE AGREEMENT FOR
PROFESSIONAL SERVICES BETWEEN METRO
WASTEWATER JOINT POWERS AUTHORITY
AND AR CONSULTING**

THE FIRST AMENDMENT is made and entered into this 6th day of August 2009, by and between Metro Wastewater Joint Powers Authority (hereinafter referred to as the "Metro JPA"), a joint powers authority organized and operating pursuant to California Government Code section 6500 *et seq.*, and Abel Rodriguez, dba AR Consulting (hereinafter referred to as "Consultant").

RECITALS

A. Whereas Metro JPA and Consultant did enter into an agreement for professional services (hereinafter referred to as "Agreement") on September 11, 2008 for Consultant to provide Website maintenance, and related services; and

B. WHEREAS, Section 2 and Section 12 of the Agreement provide that the Agreement may be modified or altered by a writing signed by both parties; and

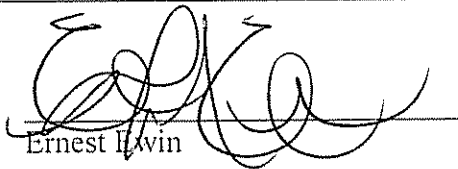
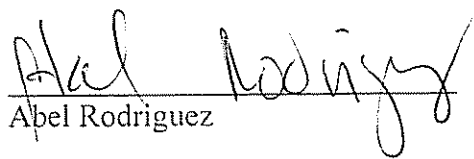
C. WHEREAS, both Metro JPA and Consultant mutually desire to amend the Agreement to extend the time of performance;

NOW THEREFORE, in consideration of the mutual obligations of the parties herein expressed, Metro JPA and Consultant agree as follows:

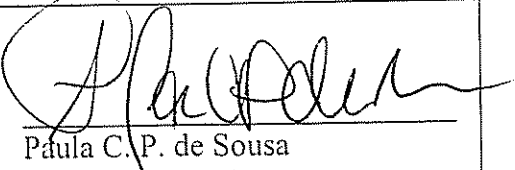
1. Section 4 of the original Agreement is amended as necessary to extend the end date of Consultant services until September 11, 2010.

2. All other terms and conditions of the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment to Agreement is executed by Metro JPA and by Consultant on the day and year first written above.

METRO WASTEWATER JOINT POWERS AUTHORITY		AR CONSULTING
By:  Ernest Lwin		By:  Abel Rodriguez

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP	
<p>By: </p> <p>Paula C. P. de Sousa General Counsel Metro Wastewater Joint Powers Authority</p>	

Agenda Item 8



SIGN ON
SAN DIEGO

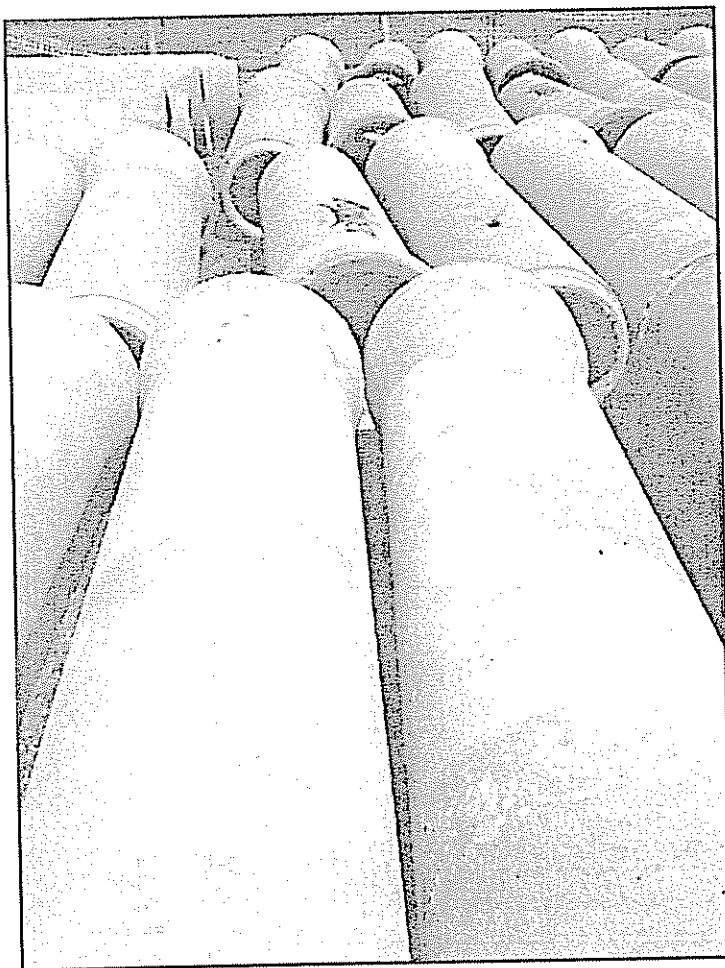
 PRINT THIS

Park project is part of stormwater renaissance

Runoff to be saved, not routed to ocean

By Mike Lee, UNION-TRIBUNE

Monday, August 9, 2010 at 9:30 p.m.



LOW-IMPACT DEVELOPMENT

Several techniques help reduce storm water flows and the amount of waterborne pollutants that reach local waterways. They include:

- Detention basins
- Permeable pavement
- Planted roofs
- Rain barrels
- Vegetated swales

San Diego's latest push to reduce beach and bay pollution looks like a common storm water project — an open trench, mounds of dirt and large sections of pipe stockpiled at Memorial Park.

But in this case, it's a radical departure from 50 years of urban planning designed to route storm water to the ocean as quickly as possible. The changes are driven by tougher requirements to meet the standards in the U.S. Clean Water Act.

Beneath the surface of the park on Ocean View Boulevard, city officials are betting \$300,000 on a novel approach that could become widespread across the region.

The pilot project is designed to capture rainwater from a nearby parking lot, remove some contaminants and hold it in an underground basin so it can infiltrate the soil rather than rushing into nearby Chollas Creek — one of the most-polluted waterways in the county. It's the first project of its kind by the city, and it's among several efforts sprouting countywide.

It's all part of a renaissance in thinking about storm water. New goals include retaining water on site, removing contaminants and reusing the water where possible. Widespread adoption of the techniques will be costly, but not as expensive as building treatment plants to remove pollutants, such as copper from brake pads, pesticides and fertilizers from gardens and bacteria from animal feces.

"We are trying to bring back the hydrological functions that existed in our watersheds before development," said Jennifer Kovecses, staff scientist for San Diego Coastkeeper. "We are really trying to make nature do our work for us. So, it's new to our current set of engineers, but it's really not new."

Storm water pollution is arguably the nation's top water-quality problem. Challenges are acute in coastal areas where the economy relies on clean beaches to attract tourists.

The Clean Water Act of 1972 initially was used to target obvious pollution sources such as sewage pipes and discharges from factories. More recently, regulators and environmentalists have focused on dispersed contaminants, from copper that leaches off boat hulls to dog poop in parks.

Change is measured by water samples taken from creeks and the coastline.

The cheapest way to limit storm water pollution is public education such as the long-running Think Blue advertising campaign. That alone isn't enough to meet ever-tighter requirements set by the San Diego Regional Water Quality Control Board, forcing storm water officials to develop new strategies.

"We are taking the lead in testing out these low-impact development opportunities to try and prove them out," said Bill Harris, a spokesman for San Diego's Storm Water Department.

Because of the county's varied geography and development, no single approach will work. Retention basins, for example, need certain soil characteristics and a relatively large amount of land.

Construction over the past 30 years has dramatically increased the amount of paved surfaces in San Diego County, creating more runoff. It also means more pollutants, such as oil from cars, are washed to bays and beaches.

The region's storm water drainage system was largely built before the adoption of keystone environmental laws, including the Clean Water Act, and aggressive efforts to implement them.

Change has come slowly, partly because low-impact storm water projects typically are tied to development or redevelopment projects and those have been relatively rare in recent years.

But "low-impact development" techniques have moved ahead at the San Diego Community College District's Miramar and West City campuses. Efforts include creation of specially designed depressions, or swales, in the landscape near parking lots to capture and filter runoff.

"The plants chosen are chosen specifically for their ability to absorb chemicals in runoff from the parking lot before it percolates down," said Ursula Kroemer, a district spokeswoman. "(The project) has recharged the aquifer and it is greatly reducing runoff that otherwise would find its way into the bay and the San Diego River."

Cid Tesoro, watershed protection manager for San Diego County, said new county libraries incorporate low-impact techniques, including a vegetated roof at the Fallbrook branch.

"The beauty of it is that to a great degree you blend it into the project and it becomes functional so that it doesn't stick out," Tesoro said.

Back at Memorial Park, the city's goal is to complete work by November in time for the rainy season. The underground reservoir wasn't specifically mandated by pollution regulators but the city is under orders to reduce pollutants in Chollas Creek.

Construction will involve a new catch basin in the parking lot, which is covered with oil, dirt and debris. Collected storm water will flow into an underground pipe through a screen to remove trash, sediment and other contaminants. When water reaches the 50,000-gallon reservoir, it will soak into the ground through the porous bottom surface.

The basin is designed to handle the size of a rainstorm that happens every five years. Additional flows will be routed to storm water channels.

"Everything that gets in it is going to have time to seep out," said Harris, of San Diego's Storm Water Department. "It effectively increases capacity at other points in the (storm drain) system."

Park patrons shouldn't notice anything more than new grass over the construction zone after the work is done.

Harris said San Diego is planning another runoff-control experiment this fall with a "green lot" at Kellogg Park in La Jolla. The \$982,000 project will remove 18,000 square feet of asphalt concrete in the parking lot and replace it with pavement that allows water to penetrate into the ground.

Mike Lee: (619) 293-2034; mike.lee@uniontrib.com. Follow on Twitter @sdenvirobeat

Find this article at:

<http://www.signonsandiego.com/news/2010/aug/09/park-project-part-stormwater-renaissance>

☐ Check the box to include the list of links referenced in the article.

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Agenda Item 9

**MetroTAC
2010/2011 Work Plan**

MetroTAC Items	Description	Subcommittee Member(s)
Lateral Issues	Sewer laterals are owned by the property owners they serve, yet laterals often allow infiltration and roots to the main lines causing maintenance issues. As this is a common problem among PAs, the MetroTAC will gather statistics from national studies and develop solutions.	Tom Howard Joe Smith
Secondary Waiver COMPLETED	The City of San Diego received approval from the Coastal Commission and now the Waiver is being processed by the EPA. The new 5 year waiver to operate the Point Loma Wastewater Treatment Plant at advanced primary went into effect August 1, 2010.	Scott Huth
Advanced Water Purification Demonstration Project	San Diego engaged CDM to design/build/operate the project for the water repurification pilot program. The MetroTAC will monitor and participate in the process as it moves forward.	
Fiscal Items	The Finance committee will continue to monitor and report on the financial issues affecting the Metro System and the charges to the PAs. The debt finance and reserve coverage issues have been resolved. Refunds totaling \$12.3 million were sent to most of the PA's.	Greg Humora Scott Huth Doug Wilson Karyn Keese
Recycled Water Fiscal Issues	<i>8/2010: The recycled water credits issue will be taken up starting in September 2010.</i>	Scott Huth Doug Wilson Karyn Keese
Water Reduction - Impacts on Sewer Rates	The MetroTAC wants to evaluate the possible impact to sewer rates and options as water use goes down, and consequently the sewer flows go down, reducing sewer revenues. Sewer strengths are also increasing because of less water to dilute the waste. We are currently monitoring the effects of this.	David Scherer Manny Magaña Karyn Keese
"No Drugs Down the Drain"	The state has initiated a program to reduce pharmaceuticals entering the wastewater flows. There have been a number of collection events within the region. The MetroTAC, working in association with the Southern California Alliance of Publicly-owned Treatment Works (SCAP), will continue to monitor proposed legislation and develop educational tools to be used to further reduce the amount of drugs disposed of into the sanitary sewer system. <i>8/2010: County Sheriff and Chula Vista have set up locations for people to drop off unwanted medications and drugs.</i>	Greg Humora
Flushable Items that do not Degrade	Several PAs have problems with flushable products, such as personal wipes, that do not degrade and cause blockages. MetroTAC is investigating solutions by other agencies, and a public affairs campaign to raise awareness of the problems caused by flushable products. We are also working with SCAP in their efforts to help formulate state legislation to require manufacturers of products to meet certain criteria prior to labeling them as "flushable." Follow AB2256 and offer support.	David Scherer Dean Gipson
Grease Recycling	To reduce fats, oils, and grease (FOG) in the sewer systems, more and more restaurants are being required to collect and dispose of cooking grease. Companies exist that will collect the grease and turn it into energy. MetroTAC is exploring if a regional facility offers cost savings for the PAs. The PAs are also sharing information amongst each other for use in our individual programs.	David Scherer Dean Gipson

MetroTAC Items	Description	Subcommittee Member(s)
"Power Tariff"	Power companies are moving to a peak demand pricing scheme which negatively impacts PAs with pump stations and other high energy uses. MetroTAC wants to evaluate the new legislation and regulations, and to identify and implement cost savings efforts for the PAs. (8/2010): John Helminski at the City of San Diego is working on a sustainability project for CoSD	Tom Howard Paula de Sousa
Recycled Water Study	As part of the secondary waiver process, San Diego agreed to perform a recycled water study within the Metro service area. That study is currently underway, and MetroTAC has representatives participating in the working groups. <i>8/2010: Al Lau and Dean Gipson attended the Coarse Screening Workshop in August 2010. The next Status Update Meeting is 9/7/10.</i>	Scott Huth Al Lau Dean Gipson
Recycled Water Rate Study	San Diego is working on a rate study for pricing recycled water from the South Bay plant and the North City plant. MetroTAC, in addition to individual PAs, have been engaged in this process and have provided comments on drafts San Diego has produced. We are currently waiting for San Diego to promulgate a new draft which addresses the changes we have requested. <i>8/2010: draft study is expected in September 2010.</i>	Karyn Keese
Metro JPA Strategic Initiatives	MetroTAC to develop success measures for the JPA strategic initiatives and suggest a schedule to complete certain items	Scott Huth Dan Brogadir Dean Gipson
Board Members' Items		
Rate Case Items	San Diego is starting the process for their next five-year rate case. As part of that process, MetroTAC and the Finance Committee will be monitoring the City's proposals as we move forward.	
Schedule E	MetroTAC and the Finance Committee are active and will monitor this process. Individual items related to Schedule E will come directly to the Board as they develop.	
Future bonding	MetroTAC and the Finance Committee are active and will monitor this process. Individual items related to bonding efforts will come directly to the Board as they develop.	
Changes in water legislation	MetroTAC and the Board should monitor and report on proposed and new legislation or changes in existing legislation that impact wastewater conveyance, treatment, and disposal, including recycled water issues	
Role of Metro JPA regarding Recycled Water	As plans for water reuse unfold and projects are identified, Metro JPA's role must be defined with respect to water reuse and impacts to the various regional sewer treatment and conveyance facilities	
Border Region	Impacts of sewer treatment and disposal along the international border should be monitored and reported to the Board. These issues would directly affect the South Bay plants on both sides of the border.	
IROC Performance Audits	Work with IROC to identify areas to be audited; participate in audit process. <i>8/2010: provide the top 5 areas to audit by September IROC meeting</i>	Augie Caries