

# AGENDA

## BOARD OF DIRECTORS MEETING DELTA DIABLO (a California Special District)

2500 Pittsburg-Antioch Highway | Antioch, CA 94509  
**(Note: There will be no in-person meeting at the District.)**  
WEDNESDAY, SEPTEMBER 8, 2021  
4:30 P.M

**In lieu of a public gathering, the Board of Directors meeting will be accessible via ZOOM to all members of the public as permitted by the Governor's Executive Order 08-21, which suspends certain requirements of the Ralph M. Brown Act to allow for greater flexibility in conducting public meetings.**

The Board of Directors Meeting on September 8, 2021 will not be physically open to the public and all Board Members will be teleconferencing into the meeting. Members of the public can observe the meeting by following the steps listed below to view and listen to the Board Meeting.

Persons who wish to address the Board during the Public Comment period or with respect to an item on the Agenda will be limited to two (2) minutes. The Secretary to the Board will call on members of the public at the beginning of the meeting to establish a speaking order. Please indicate whether you wish to speak during the Public Comment period or on a specific Agenda item at that time.

The Board Chair may reduce the amount of time allotted to provide comments at the beginning of each item or public comment period depending on the number of comments and the business of the day. Your patience is appreciated.

Presentations will be made available online at <https://www.deltadiablo.org/board-meetings> approximately one hour prior to the start of the Board meeting.

**How to view, listen to, and provide a Public Comment during the meeting via ZOOM:**

**Using your computer, access the Zoom meeting at: <https://us02web.zoom.us/j/85667757750>**

**How to listen and provide a Public Comment during the meeting via ZOOM:**

- **Using your telephone, access the Zoom meeting by dialing (669) 900-6833**
- **Meeting ID: 856 6775 7750**

The District will provide reasonable accommodations for persons with disabilities who plan to participate in Board (or committee) meetings by contacting the Secretary to the Board 24 hours prior to the scheduled meeting at (925) 756-1927. Disclosable public records related to an open session item on a regular meeting agenda and distributed by the District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection on the District website at [www.deltadiablo.org](http://www.deltadiablo.org)

# AGENDA

## BOARD OF DIRECTORS MEETING

### DELTA DIABLO

(a California Special District)

2500 Pittsburg-Antioch Highway | Antioch, CA 94509

**(Note: There will be no in-person meeting at the District.)**

WEDNESDAY, SEPTEMBER 8, 2021

4:30 P.M.

#### A. ROLL CALL

#### B. PLEDGE OF ALLEGIANCE

#### C. PUBLIC COMMENTS

#### D. RECOGNITION

**Receive** Presentation of Utility of the Future Today Award and Silver Peak Performance Award from National Association of Clean Water Agencies (Dean Eckerson)

#### E. CONSENT CALENDAR

- 1) **Approve** Minutes of the Special Board of Directors Meeting, August 18, 2021 (Cecelia Nichols-Fritzler)
- 2) **Receive** District Monthly Check Register for July 2021 (Eka Ekanem)
- 3) **Receive** Fourth Quarter Fiscal Year 2020/2021 District Investment Report (Anika Lyons)
- 4) **Accept** and **Authorize** General Manager to File Notice of Completion, Pacific Infrastructure Corporation, Sodium Bisulfite Tank Replacement, Project No.17139 (Thanh Vo)
- 5) **Reject** All Bids Received on July 30, 2021, **Order** any Bid Bonds Posted by Bidders to be Exonerated; and **Direct** General Manager to Return to Bidders Any Checks or Cash Submitted for Bid Security, Onsite Fueling Station Replacement, Project No. 19112 (Christopher Thomas)
- 6) **Adopt** Resolution Updating the District's Records Retention Schedule (Cecelia Nichols-Fritzler)
- 7) **Authorize** General Manager to Transfer Monies to Bridgehead Pipeline Replacement Project from Emergency Retention Basin Improvements Project within Wastewater Capital Asset Replacement Fund in the Amount of \$300,000, for a Total Project Budget of \$3,800,000; **Authorize** General Manager to Execute Consulting Services Contract in an Amount Not to Exceed \$280,421, Construction Management Services, Psomas; and **Authorize** General Manager to Execute License Agreement with BNSF Railway Company, Pay License Fee of \$14,744, and License Use of Property for 25 Years Commencing on September 8, 2021, Bridgehead Pipeline Replacement, Project No. 21123 (Celia Kitchell)

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- 8) **Authorize** General Manager to Establish a New Fiscal Year 2021/2022 Project in the Wastewater Capital Asset Replacement Fund and to Transfer Monies to this Project from Arcy Lane Junction Structure Rehabilitation Project within Wastewater Capital Asset Replacement Fund in the Amount of \$300,000, for a Total Project Budget of \$300,000; and **Authorize** General Manager to Execute General Services Contract in a Total Amount Not to Exceed \$220,805, Pacific Coast Trane Service, POC Chiller Improvements, Project No. 22128 (Thanh Vo)

**F. DELIBERATION ITEMS**

None.

**G. PRESENTATIONS AND REPORTS**

**Receive** Update on Fiscal Year 2021/2022 Strategic Initiatives to Support Strategic Plan Implementation (Dean Eckerson)

**H. MANAGER'S COMMENTS**

**I. DIRECTORS' COMMENTS**

**J. CORRESPONDENCE**

**Receive** Monthly Lobbyist Report Dated August 2021, Key Advocates, Inc., Western Recycled Water Coalition, Project No. 90024 (Jayne Strommer)

**K. CLOSED SESSION**

CONFERENCE WITH LABOR NEGOTIATORS (GOV. CODE, SECTION 54957.6)

Agency Negotiators: Vince De Lange, Michael Jarvis

Employee Organizations: Operations and Maintenance Unit, Public Employees Union, Local One; Professional & Technical Unit, Public Employees Union, Local One; Management Association

Unrepresented Employees: All unrepresented employees

**L. ADJOURNMENT**

The next Special Board of Directors meeting will be held on October 13, 2021, at 4:30 p.m.

The District will provide reasonable accommodations for persons with disabilities who plan to participate in Board (or committee) meetings by contacting the Secretary to the Board 24 hours prior to the scheduled meeting at (925) 756-1927. Disclosable public records related to an open session item on a regular meeting agenda and distributed by the District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection on the District website at [www.deltadiablo.org](http://www.deltadiablo.org)

September 8, 2021

**RECEIVE PRESENTATION OF UTILITY OF THE FUTURE TODAY AWARD AND SILVER PEAK PERFORMANCE AWARD FROM NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES**

**Recommendation**

Receive the National Association of Clean Water Agencies (NACWA) “Utility of the Future Today” Award and Silver Peak Performance Award.

**Background Information**

In July 2021, the District was selected to receive an award for its outstanding industry leadership and progressive commitment to partnering and engagement by the Water Environment Federation (WEF) Utility of the Future Today Joint Recognition Program. This award will be presented at the 2021 WEF national conference on October 19, 2021. The District is receiving the prestigious “Utility of the Future Today” industry association award for a fourth consecutive year along with 39 other forward-thinking water utilities from across the country. This utility recognition program was initiated in 2016 by NACWA, WEF, the Water Research Foundation (WRF), and the Water Reuse Association to recognize the achievements of innovative water utilities that are providing resilient value-added community services with a focus on community engagement, watershed stewardship, and recovery of resources.

The District was also recently awarded the NACWA Silver Peak Performance Award, which recognizes agencies for outstanding National Pollutant Discharge Elimination System (NPDES) permit compliance in the 2020 calendar year. The Silver Award recognizes WRRFs that achieve NPDES permit effluent discharge compliance with no more than five violations per calendar year. The District experienced one exceedance of its NPDES permit in September 2020, which was presented to the Board along with the results of an associated root cause and corrective actions analysis in October 2020.

**Analysis**

The District’s Utility of the Future vision is based on embracing innovation, progressive leadership, and a continuous improvement-based organizational culture to benefit the environment, maintain reasonable rates, and serve as responsible stewards of the public’s resources and trust. In its award application, the District highlighted its strong commitment to cultivating an environment that promotes employee engagement, recognition, and development, along with collaborative partnering with peer agencies and key stakeholders to support strategic goals and initiatives, drive organizational improvement, and address critical issues that may threaten long-term financial sustainability and/or operational reliability. This emphasis on effective partnering and engagement has yielded substantial, positive outcomes and provided significant value to District ratepayers with associated regional benefits. For example, through strong collaboration and engagement with the Bay Area Clean Water Agencies (BACWA), which represents nearly 40 Bay Area POTWs, the San Francisco Estuary Institute (independent scientific research organization), and the Regional Water Board, the region has maintained a focus on sound-science based decision making rather than imposition of nutrient limits at a regional capital cost exceeding \$8 billion with uncertain water quality benefits.



The District recognizes meaningful employee engagement as essential to effectively meeting its core mission in a manner that supports sustained organizational excellence and improvement over time. This commitment was recently exemplified in the development and adoption of the new District Strategic Plan. To ensure employee understanding, broad organizational communication, and opportunities to share ideas and feedback, the District conducted over 40 department-level staff meetings to directly engage regarding the District's Mission, Vision, Values, and Goals, Strategies, and Objectives. Prior to the workplace restrictions imposed by the COVID-19 pandemic, the District demonstrated an excellent commitment to recognizing individual and team success via multiple employee recognition events throughout the year (e.g., staff appreciation events). During the COVID-19 pandemic, the District continues to recognize staff achievements at Board meetings and has issued several Employee Recognition Newsletters and emails to recognize new employees, retiring employees, service year milestones, and industry awards. In addition to actively promoting staff development through technical training, industry conferences, seminars, webinars, and a tuition reimbursement program, the District offers supervisory/management training and communications training to create a learning culture that supports career development.

NACWA proudly recognized the District as a Silver Peak Performance Award honoree during its 2021 Utility Leadership Virtual Event. Achieving this prestigious, national honor distinguishes the District as an agency with a strong commitment to meeting regulatory compliance requirements. The Silver Peak Performance Award offers national recognition for the challenging work and commitment to excellence staff puts forth daily on behalf of the environment and the community. This is the 17<sup>th</sup> consecutive year in which NACWA has recognized the District with a Peak Performance Award, which acknowledges the high degree of regulatory compliance focus and industry leadership demonstrated by staff.

### **Financial Impact**

None

### **Attachments**

- 1) Copy of NACWA Utility of the Future Award Notification Letter
- 2) Copy of NACWA Peak Performance Silver Award

Prepared by: \_\_\_\_\_

Dean Eckerson  
Resource Recovery Services Director

cc: District File No. CORP.01.02-DOCS





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BOARD OF TRUSTEES

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Monterrey, NL, MX

Aimeé Killeen  
Baton Rouge, LA

John Trofatter  
Land O Lakes, FL

July 16, 2021

**Delta Diablo**  
**2500 Pittsburg-Antioch Hwy**  
**Antioch, CA**  
**17033**

Dear Amanda Roa,

Thank you for applying to the Utility of the Future Today (UotFT) Joint Recognition Program for 2021. On behalf of the partners of the UotFT Program, we are very pleased to inform you that your utility has been selected to receive recognition as a UotFT for 2021!

All applications were reviewed by two members of a selection committee consisting of peer utility general managers and executives. Your application met the criteria for successful entry into the UotFT, and we hope you will share this accomplishment with your utility leaders, employees, and governing body. Forty-one applications were received in the 2021 application cycle, thirty-nine utilities are being honored with your organization among them.

This year we are delighted to be once again meeting in person at WEFTEC in Chicago, October 16 – 20. So, save the date! We plan on honoring our recognized utilities at a ceremony on Tuesday afternoon, October 19. We are still working on the details to ensure a safe and enjoyable ceremony for all and will keep you apprised of the details as they become available.

Recipients will receive a UotFT banner and/or a 2021 flag, and a certificate of recognition. In addition, the partner organizations will be issuing a formal press release regarding the honorees of this program.

Congratulations on this achievement!

Adam Krantz  
Chief Executive Director  
National Association of Clean Water Agencies  
(NACWA)  
Peter Grevatt, Ph.D.  
Chief Executive Officer  
Water Research Foundation (WRF)

Walter Marlowe, P.E., CAE  
Executive Director  
Water Environment Federation (WEF)

Patricia Sinicropi, JD  
Executive Director  
WateReuse Association

Staff Contact:  
Trudi Bick  
Water Environment Federation  
[tbick@wef.org](mailto:tbick@wef.org)  
703.684.7830

# SILVER AWARD



The National Association of Clean Water Agencies  
is pleased to present this award to

**Delta Diablo, CA**

***Delta Diablo Wastewater Treatment Facility***

in recognition of its complete and consistent permit  
compliance during the calendar year **2020**

A handwritten signature in black ink that reads "Adam Krantz".

Adam Krantz, NACWA Chief Executive Officer

September 8, 2021

APPROVE MINUTES OF THE SPECIAL BOARD OF DIRECTORS MEETING,  
AUGUST 18, 2021

**Recommendation**

Approve Minutes of the Special Board of Directors Meeting held on August 18, 2021.

**DRAFT  
Minutes of the Special Board of Directors Meeting**

**DELTA DIABLO  
August 18, 2021**

The meeting was called to order by Chair Glover at 4:30 p.m., on Wednesday, August 18, 2021, via Zoom. Present were Vice Chair Monica Wilson and Director Juan Banales. Director Banales arrived at approximately 4:45 p.m. Also present were: Stephen Siptroth, Deputy District Counsel; Vince De Lange, General Manager; Cecelia Nichols-Fritzler, Office Manager/Secretary to the Board; Brian Thomas, Acting Business Services Director; Dean Eckerson, Resource Recovery Services Director; Thanh Vo, Acting Engineering Services Director; Anika Lyons, Finance Manager; and Dustin Bloomfield, Maintenance Manager.

Chair Glover read the following statement: “To slow the spread of COVID-19, in lieu of a public gathering, the Board of Directors meeting will be accessible via teleconference to all members of the public as permitted by the Governor’s Executive Order 08-21, which suspends certain requirements of the Ralph M. Brown Act to allow for greater flexibility in conducting public hearings.”

Ms. Nichols-Fritzler read a statement regarding the process for receiving public comments and the availability of presentations on the District’s website.

**PUBLIC COMMENTS**

None.

**RECOGNITION**

**Adopt Resolution Commending and Congratulating Robert Wright, Collection Systems Worker III, on His Retirement from the District**

Mr. Bloomfield recognized Mr. Wright for his 17.5 years of service to the District and highlighted key career accomplishments, including directly supporting regulatory compliance, operational effectiveness and reliability, and receiving the 2008 California Water Environment Association Collection System Person of Year award at the local section and state level. Mr. Bloomfield noted Mr. Wright was a well-respected team member who made a positive impact.

Chair Glover congratulated Mr. Wright on his retirement.

Vice Chair Wilson moved Adoption of the Resolution Commending and Congratulating Robert Wright, Collection Systems Worker III, on His Retirement from the District seconded by Chair Glover, and by a roll call vote (Ayes: *Glover, and Wilson*, Noes: *None*; Abstain: *None*; Absent: *Banales*), the Resolution was approved.



Receive Presentation of the Distinguished Budget Presentation Award and Recognize and Commend the Finance Division for Receiving the Certificate of Recognition for Budget Preparation for Fiscal Year 2020/2021 from the Government Finance Officers Association

Ms. Lyons highlighted that the District received the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA). In addition, she noted that Finance Division staff received the Certificate of Recognition for Budget Preparation for Fiscal Year 2020/2021 from GFOA, which recognizes their direct role in preparing the Budget Book. She noted that receiving this prestigious award is a first time achievement for the District.

Chair Glover congratulated and thanked staff for their work in receiving this award.

CONSENT CALENDAR

Vice Chair Wilson moved approval of the Consent Calendar, seconded by Chair Glover, and by a roll call vote (Ayes: *Glover and Wilson*, Noes: *None*; Absent: *Banales*; Abstain: *None*), the following Consent items were approved: Approve Minutes of the Regular Board of Directors Meeting, July 14, 2021; Receive District Monthly Check Register, June 2021; Approve Project and Design, Award and Authorize General Manager to Execute Construction Services Contract in an Amount Not to Exceed \$1,468,925, Conquest Contractors, Inc., Authorize General Manager to Approve Contract Change Orders in an Amount Not to Exceed 10% of Contract Amount, Authorize General Manager to Execute Consulting Services Contract in an Amount Not to Exceed \$152,704, Engineering Services, V.W. Housen & Associates, and Take Related Actions, Bridgehead Pipeline Replacement Project, Project No. 21123; Authorize General Manager to Transfer Monies to Headworks Improvements Project from Emergency Retention Basin Improvements Project within Wastewater Capital Asset Replacement Fund in the Amount of \$500,000, for a Total Project Budget of \$14,900,000, and Authorize General Manager or His Designee to Approve Construction Contract Change Orders in an Amount Not to Exceed 14% of the Contract Amount, for a New Total Construction Contract Authorization of \$10,845,960, Headworks Improvements, Project No. 17117; and Approve and Authorize General Manager to Execute CALNET Telecommunications Contracts for a Four-Year Term beginning September 1, 2021 in an Annual Amount Not to Exceed \$75,000, Data Circuits and Internet Connectivity Services, Comcast Business Communications, LLC.

DELIBERATION

Receive Update on Strategic Plan Development; and Consider Approving the Strategic Plan

Mr. Eckerson provided an update on development of the District's new Strategic Plan, which is intended to capture strategic priorities, focus resources, strengthen the organization, ensure resiliency in meeting future challenges, and support working toward common goals over a three-year planning horizon. He noted the significant staff engagement across the District. As a follow up to the July 14, 2021 Board Meeting, which focused on the District's proposed Mission, Vision, and Value Statements, and Goals, Mr. Eckerson highlighted key focus areas associated with the Strategies, Objectives, and Key Success Indicators included in the new Strategic Plan under the six identified Goals. In closing, Mr. Eckerson noted that staff would present the proposed FY21/22 Strategic Initiatives, which are intended to support implementation of the Strategic Plan, at the September 8, 2021 Board Meeting.

Chair Glover thanked Mr. Eckerson for the outstanding work in developing the new Strategic Plan. Vice Chair Wilson thanked staff for their excellent work and requested additional detail regarding the reference to resource recovery efforts at the District, which Mr. Eckerson provided.

Director Banales thanked staff for the great work in producing the plan, while noting the strength of many of the District's Value Statements and the benefit of including Key Success Indicators to support measuring progress toward achieving the stated goals.

Director Banales moved approval of the Strategic Plan; seconded by Vice Chair Wilson, and by a roll call vote (*Ayes: Banales, Glover, and Wilson, Noes: None; Abstain: None*), the Strategic Plan was approved.

#### PRESENTATION AND REPORTS

None.

#### MANAGER'S COMMENTS

None.

#### DIRECTORS' COMMENTS

Vice Chair Wilson and Chair Glover stated they each attended the CASA Annual Conference last week, which was very informative and confirmed the District's focus on key challenges.

#### CORRESPONDENCE

Receive Monthly Lobbyist Report dated June 2021, Key Advocates, Inc., Western Recycled Water Coalition, Project No. 90024

The Board received and filed the report.

#### CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS (GOV. CODE, SECTION 54957.6)

Agency Negotiators: Vince De Lange, Michael Jarvis

Employee Organizations: Operations and Maintenance Unit, Public Employees Union, Local One; Professional & Technical Unit, Public Employees Union, Local One; Management Association

Unrepresented Employees: All unrepresented employees

Before adjourning to Closed Session, the Secretary to the Board asked if there were any public comments on the Closed Session item. No comments were made. At 5:13 p.m., Chair Glover convened the Board of Directors meeting to Closed Session. Following Closed Session, Chair Glover reconvened the Board of Directors meeting in open session at 5:48 p.m. and stated there was nothing to report from Closed Session.

#### ADJOURNMENT

Chair Glover adjourned the meeting at 5:48 p.m. and noted the next meeting will be held on September 8, 2021, at 4:30 pm.

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Juan Banales  
Board Secretary

(Recording Secretary:  
Cecelia Nichols-Fritzler)



September 8, 2021

RECEIVE DISTRICT MONTHLY CHECK REGISTER, JULY 2021

**Recommendation**

Receive District Monthly Check Register for the month ending July 31, 2021.

**Background Information**

Attached is the Check Register for the month of July 2021. The report reflects payments to the District's suppliers, consultants, service providers, and contractors. A total of \$1,621,572.12 was disbursed in the month of July 2021, which includes 126 checks.

**Financial Impact**

All payments made during the month are within funding levels included in the adopted Fiscal Year 2021/2022 Budget.

**Attachment**

Check Register for month ending July 31, 2021

Reviewed by:



\_\_\_\_\_  
Brian Thomas  
Acting Business Services Director



**CHECK REGISTER**  
**DELTA DIABLO**  
CASH DISBURSEMENTS FOR THE MONTH OF JULY 2021

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
7/8/2021	AERIAL LIFT SERVICE CO INC		35875			1,105.00
		55221		1,105.00	ANNUAL INSPECTION (ANSI) FOR ASSET AP1	
7/8/2021	AFLAC		35876			1,885.72
		55170		942.86	INSURANCE	
		55193		942.86	INSURANCE	
7/8/2021	ALLIANT INSURANCE SERVICES		35877			8,905.00
		55211		8,905.00	INSURANCE	
7/8/2021	BRENTWOOD PRESS		35878			549.00
		55195		549.00	AD	
7/8/2021	CARASOFT TECHNOLOGY CORP		35879			6,994.92
		54741		6,994.92	DOCUSIGN RENEWAL	
7/8/2021	CONTRA COSTA COUNTY CLERK		35880			104.00
		55210		104.00	P/N	
7/8/2021	FLETCHER CONSULTANTS, INC.		35881			5,600.00
		55228		5,600.00	HAZARDOUS WASTE TANK CERTIFICATION	
7/8/2021	GRAINGER		35882			4,719.21
		55189		12.12	INVENTORY	
		55190		1,170.38	INVENTORY	
		55217		2,306.55	WET WEATHER BOOTS	
		55218		1,230.16	WET WEATHER BOOTS	
7/8/2021	KEY ADVOCATES INC.		35883			7,083.33
		55167		7,083.33	FEDERAL ADVOCACY FOR WRWC PN	
7/8/2021	ELIJAH LOSOYA		35884			169.33
		55173		169.33	SAFETY SHOES REIMBURSEMENT	
7/8/2021	MANAGED HEALTH NETWORK		35885			390.55
		55168		390.55	EAP	
7/8/2021	MCMASTER CARR SUPPLY CO		35886			634.61
		54794		634.61	INVENTORY	
7/8/2021	MDRR-PARK (MT. DIABLO RESOURCE RECOVERY PARK)		35887			73.45
		55220		73.45	WASTE	
7/8/2021	MSC INDUSTRIAL SUPPLY CO. INC.		35888			624.10
		55191		624.10	INVENTORY	
7/8/2021	NEOGOV/GOVERNMENTJOBS.COM		35889			4,420.31
		55199		4,420.31	NEOGOV HR APPLICANT TRACKING SUBSCRIPTION RENEWAL	
7/8/2021	PACIFIC GAS & ELECTRIC COMPANY		35890			55,886.19
		55159		55,886.19	UTILITIES	
7/8/2021	CITY OF PITTSBURG		35891			23,954.48
		55223		23,954.48	STREET SWEEPING SERVICES	
7/8/2021	POLYDYNE INC		35892			7,678.12
		55184		3,839.06	DRY POLY	
		55185		3,839.06	DRY POLY	
7/8/2021	READY PRINT		35893			280.96
		55186		280.96	O/S PRINTING	
7/8/2021	RH TECHNOLOGY		35894			4,510.80
		55197		4,510.80	O/S TEMP	
7/8/2021	FRANCIS RUBIO		35895			175.00
		55174		175.00	SAFETY SHOES REIMBURSEMENT	
7/8/2021	TAYLOR SCHOFIELD		35896			118.53
		55175		118.53	SAFETY SHOES REIMBURSEMENT	
7/8/2021	THE SEGAL COMPANY		35897			20,512.50
		55214		20,512.50	Total Compensation Study Services	
7/8/2021	TRI-VALLEY JANITORIAL SERVICE & SUPPLY INC,		35898			4,620.00
		55207		4,620.00	COVID-19 RESPONSE DAYTIME JANITORIAL SERVICES	
7/8/2021	UNIFIRST CORPORATION		35899			347.96
		55224		128.50	UNIFORM/ LAUNDRY SERVICE	
		55225		187.72	UNIFORM/ LAUNDRY SERVICE	
		55226		31.74	UNIFORM/ LAUNDRY SERVICE	
7/8/2021	WECO INDUSTRIES		35900			2,857.83

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
		55227		2,857.83	WART HOG MAGNUM	
7/8/2021	WORKERS.COM		35901			1,984.91
		55212		1,984.91	Temp Labor service for Utility worker	
7/15/2021	AIRGAS USA, LLC		35902			1,097.50
		55293		1,097.50	INVENTORY	
7/15/2021	ALHAMBRA & SIERRA SPRGS WATER		35903			208.60
		55254		208.60	BOTTLED WATER SERVICE	
7/15/2021	CITY OF ANTIOCH- WATER		35904			6,550.90
		55272		94.60	WATER - #01300021	
		55273		94.60	WATER -#01300022	
		55274		66.90	WATER - 01300023	
		55275		94.60	WATER - #01300024	
		55276		5,332.74	WATER - #01300110	
		55277		94.60	WATER - #00401510	
		55278		772.86	WATER - #00401513	
7/15/2021	BAY AREA LEEDS		35905			600.00
		55267		600.00	20 & 21 SPONSORSHIP	
7/15/2021	CHEMTRADE CHEMICALS US LLC		35906			4,279.54
		55176		4,279.54	ALUMINUM SULFATE	
7/15/2021	CONTRA COSTA WATER DISTRICT		35907			47.92
		55279		47.92	UTILITIES	
7/15/2021	CORELOGIC INFORMATION SOLUTIONS, INC		35908			330.00
		55259		165.00	REALQUEST PROPERTY INFORMATION	
		55288		165.00	REALQUEST PROPERTY INFORMATION	
7/15/2021	DATCO		35909			54.50
		55292		54.50	PRE EMLY COSTS	
7/15/2021	DIABLO WATER DISTRICT		35910			148.25
		55280		148.25	UTILITIES	
7/15/2021	HAZEN & SAWYER		35911			101,427.50
		55171		49,832.50	RESOURCE RECOVERY FACILITY MASTER PLAN PN 18120	
		55172		51,595.00	RESOURCE RECOVERY FACILITY MASTER PLAN PN 18120	
7/15/2021	IN SHAPE HEALTH CLUBS		35912			584.00
		55269		584.00	GYM FEES	
7/15/2021	LEGAL SHIELD		35913			122.15
		55263		122.15	LEGAL MEMB	
7/15/2021	NWN CORPORATION		35914			4,175.14
		55283		4,175.14	PHONE EXPENSE	
7/15/2021	PACIFIC GAS & ELECTRIC COMPANY		35915			403.24
		55281		345.15	UTILITIES	
		55282		58.09	UTILITIES	
7/15/2021	PRESIDIO SYSTEMS		35916			48,929.20
		55196		48,929.20	CCTV/PACP SCORING FOR RIVER WATCH SETTLEMENT	
7/15/2021	STANDARD INSURANCE COMPANY		35917			3,861.36
		55291		3,861.36	LIFE & LTD INSURANCE	
7/15/2021	CA STATE DISBURSEMENT UNIT		35918			750.00
		CS9648333		750.00	GARNISHMENT	
7/15/2021	UNIFIRST CORPORATION		35919			347.35
		55246		31.74	UNIFORM/ LAUNDRY SERVICE	
		55247		187.11	UNIFORM/ LAUNDRY SERVICE	
		55248		128.50	UNIFORM/ LAUNDRY SERVICE	
7/15/2021	UNIVAR USA INC		35920			18,132.68
		55179		3,330.86	SODIUM HYPOCHLORITE	
		55180		5,742.49	SODIUM BISULFITE	
		55181		3,332.19	SODIUM HYPOCHLORITE	
		55252		5,727.14	SODIUM BISULFITE	
7/15/2021	VISION SERVICE PLAN		35921			1,846.64
		55285		1,815.37	VISION INSURANCE	
		55286		31.27	COBRA VISION	
7/15/2021	WEX HEALTH INC.		35922			94.50
		55290		94.50	FSA JUNE	
7/22/2021	ALLIANT INSURANCE SERVICES		35923			1,874.00
		55353		1,874.00	INSURANCE	
7/22/2021	BARNETT MEDICAL SERVICES, LLC		35924			1,014.00
		55194		858.00	HHW-SHARPS/PHARMACEUTICAL TRANSPORATION/DISPOSAL	
		55209		156.00	HHW-SHARPS/PHARMACEUTICAL TRANSPORATION/DISPOSAL	

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
7/22/2021	BAYWORK		35925			1,500.00
		55299		1,500.00	M&D	
7/22/2021	C.W.ROEN CONSTRUCTION COMPANY		35926			283,836.25
		55261		283,836.25	CONSTRUCTION SVCS, HEADWORKS IMPROVEMENTS PN 17117	
7/22/2021	CALIFORNIA BANK OF COMMERCE		35927			14,938.75
		55262		14,938.75	RETENTION	
7/22/2021	CALTEST ANALYTICAL LABORATORY		35928			3,458.40
		55260		1,794.90	PROVIDE LABORATORY SERVICES FOR NPDES TESTING	
		55325		1,663.50	PROVIDE LABORATORY SERVICES FOR NPDES TESTING	
7/22/2021	CAROLLO ENGINEERS		35929			1,225.00
		55339		1,225.00	PRIMARY CLARIFIER AREA IMPROVE	
7/22/2021	REGINA CARTWRIGHT-MORALES		35930			75.00
		55298		75.00	REIMBURSEMENT	
7/22/2021	CHEMTRADE CHEMICALS US LLC		35931			3,657.06
		55178		3,657.06	ALUMINUM SULFATE	
7/22/2021	DATCO		35932			136.50
		55294		136.50	O/S	
7/22/2021	DU-ALL SAFETY, LLC		35933			2,400.00
		55327		2,400.00	NFPA 70E NON-QUALIFIED ELECTRICAL TRAINING	
7/22/2021	DEAN ECKERSON		35934			219.00
		55295		84.00	REIMBURSEMENT	
		55296		96.00	REIMBURSEMENT	
		55297		39.00	REIMBURSEMENT	
7/22/2021	FASTENAL COMPANY		35935			25.13
		55328		25.13	MAINTENANCE CONSUMABLE ITEMS	
7/22/2021	HAZEN & SAWYER		35936			72,005.00
		55198		72,005.00	RESOURCE RECOVERY FACILITY MASTER PLAN PN 18120	
7/22/2021	IB CONSULTING, LLC		35937			3,485.00
		55208		3,485.00	DATA REQUEST, REVIEW AND ANALYSIS	
7/22/2021	JOHN MUIR HEALTH		35938			853.16
		55270		853.16	JUNE WELLNESS	
7/22/2021	KEMIRA WATER SOLUTIONS, INC.		35939			10,989.67
		55187		5,187.07	FERROUS CHLORIDE	
		55304		5,802.60	FERROUS CHLORIDE	
7/22/2021	KOA HILLS CONSULTING LLC.		35940			700.00
		55203		131.25	MUNIS CONTRACT SERVICES	
		55204		568.75	ERP FUNCTIONALITY IMPROVEMENTS	
7/22/2021	KONE. INC.		35941			114.02
		55244		114.02	ELEVATOR SERVICE	
7/22/2021	LEE & RO, INC.		35942			44,141.00
		55340		44,141.00	DESIGN SERVICES DURING CONSTRUCTION	
7/22/2021	MCCAMPBELL ANALYTICAL, INC.		35943			2,970.00
		55345		46.00	LABORATORY SERVICES FOR PRETREATMENT	
		55346		102.00	LABORATORY SERVICES FOR PRETREATMENT	
		55351		1,745.00	LABORATORY SERVICES FOR PRETREATMENT	
		55352		1,077.00	LABORATORY SERVICES FOR PRETREATMENT	
7/22/2021	MCMASTER CARR SUPPLY CO		35944			252.25
		55349		252.25	INVENTORY	
7/22/2021	MDRR PITTSBURG		35945			3,241.45
		55329		3,241.45	WASTE	
7/22/2021	MDRR PITTSBURG		35946			1,202.20
		55312		1,202.20	WASTE	
7/22/2021	MUFG UNION BANK		35947			875.00
		55347		875.00	INVESTMENT	
7/22/2021	NEW IMAGE LANDSCAPE COMPANY		35948			2,563.00
		55219		2,563.00	LANDSCAPE SERVICES	
7/22/2021	PACIFIC GAS & ELECTRIC COMPANY		35949			110,555.61
		55333		64,172.11	UTILITIES	
		55334		46,383.50	UTILITIES	
7/22/2021	PATTERSON LIFT TRUCKS, INC.		35950			267.44
		55222		267.44	PREVENTIVE MAINTENANCE FOR TCM	
7/22/2021	PILLSBURY WINTHROP SHAW PITTMAN LLP		35951			2,002.00
		55206		2,002.00	LEGAL SERVICES	

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
7/22/2021	CITY OF PITTSBURG		35952			25,900.50
		55348		25,900.50	STREET SWEEPING SERVICES	
7/22/2021	RED WING SHOE STORE 165		35953			401.25
		55287		401.25	SAFETY SHOES -BAPTISTA & CIOCHON	
7/22/2021	REPUBLIC SERVICES #210		35954			4,821.49
		55309		3,714.36	WASTE	
		55310		1,107.13	WASTE	
7/22/2021	RH TECHNOLOGY		35955			4,510.80
		55300		4,510.80	O/S TEMP	
7/22/2021	THE SEGAL COMPANY		35956			7,648.75
		55215		3,161.25	Total Compensation Study Services	
		55216		4,487.50	Total Compensation Study Services	
7/22/2021	SHARP ELECTRONICS CORP		35957			278.32
		55326		278.32	SHARP MAINTENANCE SERVICES	
7/22/2021	SIEMENS INDUSTRY, INC.		35958			1,363.10
		55308		1,363.10	INVENTORY	
7/22/2021	STREAMLINE		35959			550.00
		55301		550.00	SUBSCRIPTION	
7/22/2021	SUBTRONIC CORP.		35960			3,245.00
		55342		3,245.00	SUBSURFACE UTILITY LOCATING - PN90079	
7/22/2021	SYNAGRO WEST, LLC		35961			56,301.50
		55343		56,301.50	BIOSOLIDS HAULING	
7/22/2021	TELSTAR INSTRUMENTS INC		35962			4,471.21
		55192		4,471.21	INVENTORY	
7/22/2021	TYLER TECHNOLOGIES, INC.		35963			17,952.00
		55337		1,404.00	MUNIS PERMITS AND CODE ENFORCEMENT MODULE	
		55338		16,548.00	SOFTWARE	
7/22/2021	UNIFIRST CORPORATION		35964			341.85
		55249		128.50	UNIFORM/ LAUNDRY SERVICE	
		55250		181.61	UNIFORM/ LAUNDRY SERVICE	
		55251		31.74	UNIFORM/ LAUNDRY SERVICE	
7/22/2021	UNIVAR USA INC		35965			15,528.30
		55182		3,266.45	SODIUM BISULFITE	
		55183		3,332.19	SODIUM HYPOCHLORITE	
		55256		5,599.25	SODIUM BISULFITE	
		55350		3,330.41	SODIUM HYPOCHLORITE	
7/22/2021	V.W. HOUSEN & ASSOCIATES, INC.		35966			52,716.75
		55201		48,205.50	ENGINEERING DESIGN SVS APS & CONVEYANCE PN 20121	
		55202		4,511.25	CONSULTING SERVICES BRIDGEHEAD PIPELINE PN 21123	
7/22/2021	WOODARD & CURRAN INC.		35967			3,647.10
		55289		3,647.10	ON-SITE FUELING STATION REPLACEMENT PN 19112	
7/22/2021	YORKE ENGINEERING, LLC		35968			1,616.50
		55341		1,616.50	AIR PERMITTING ASSISTANCE	
7/29/2021	AFLAC		35969			1,414.29
		55400		1,414.29	INSURANCE	
7/29/2021	CITY OF ANTIOCH		35970			375.00
		55381		375.00	M&D	
7/29/2021	MICHAEL AUER		35971			178.46
		55356		178.46	AUGUST REIMBURSEMENT	
7/29/2021	MICHAEL BAKALDIN		35972			178.46
		55357		178.46	AUGUST REIMBURSEMENT	
7/29/2021	BAY AREA NEWS GROUP		35973			1,141.20
		55395		1,141.20	ADS	
7/29/2021	CALIFORNIA PRODUCT STEWARDSHIP COUNCIL		35974			1,025.00
		55397		1,025.00	ASSIST WITH IMPLEMENTATION OF CALRECYCLE GRANT -	
7/29/2021	CLEAN EARTH ENVIRONMENTAL SOLUTIONS, INC		35975			219,349.97
		55360		47,883.75	PROVIDE TRANS/DISPOSAL/LABOR FOR HHW & TEMP EVENTS	
		55361		9,764.34	PROVIDE TRANS/DISPOSAL/LABOR FOR HHW & TEMP EVENTS	
		55362		51,076.56	PROVIDE TRANS/DISPOSAL/LABOR FOR HHW & TEMP EVENTS	
		55376		56,572.32	PROVIDE TRANS/DISPOSAL/LABOR FOR HHW & TEMP EVENTS	
		55378		8,908.29	PROVIDE TRANS/DISPOSAL/LABOR FOR HHW & TEMP EVENTS	

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
		55379		45,144.71	PROVIDE TRANS/DISPOSAL/LABOR FOR HHW & TEMP EVENTS	
7/29/2021	COMCAST BUSINESS COMMUNICATIONS, LLC	55373	35976	548.36	TOWER PUMP #1 CHECK VALVE, ARV1301	548.36
7/29/2021	CONTRA COSTA COUNTY	55391	35977	16,957.00	LEGAL SERVICES	16,957.00
7/29/2021	CUPERTINO ELECTRIC, INC	55392	35978	123,213.53	CONSTRUCTION SERVICES FOR PROJECT NO. 17120	123,213.53
7/29/2021	CWEA - CA WATER ENVIRONMENT	55394	35979	290.00	AD	290.00
7/29/2021	DARRIN G. STANLEY	55388	35980	8,600.00	REMOVE & INSTALL NEW CONCRETE PEDESTAL FOR PUMP	8,600.00
7/29/2021	DLT SOLUTIONS	55307	35981	1,724.80	AUTOCAD RENEWAL	1,724.80
7/29/2021	MICHAEL CRAMBLIT FOSTER	55374	35982	4,172.55	P1301 TOWER PUMP #1 VACUUM BREAKER/SURGE CHECK	4,172.55
7/29/2021	GOVERNMT FINANCE OFFICERS ASSC	55399	35983	345.00	BUDGET AWARD REVIEW	345.00
7/29/2021	KENNEDY/JENKS CONSULTANTS INC.	55371	35984	2,840.89	ASSET MANAGEMENT PROGRAM DEVELOPMENT PN 19109	2,840.89
7/29/2021	LIEBERT, CASSIDY, WHITMORE	55380 55383 55384	35985	3,552.00 5,294.00 3,672.00	Labor Negotiations Services Labor Negotiations Services Labor Negotiations Services	12,518.00
7/29/2021	LINKO TECHNOLOGY INC	55265	35986	24,315.00	LINKO RENEWAL	24,315.00
7/29/2021	MEYERS NAVE	55369	35987	1,313.28	LEGAL SERVICES	1,313.28
7/29/2021	MILLER SPATIAL SERVICES, LLC	55363	35988	3,120.00	GIS ASSISTANCE	3,120.00
7/29/2021	ABEL PALACIO	55354	35989	1,105.21	AUGUST REIMBURSEMENT	1,105.21
7/29/2021	PETTY CASH CUSTODIAN	47648 47975 48327 48634 48982 49304 49585 49874 50183 50523 50897 51596 52249 52829 52979 53418 53656 53922 54162 54479 54877 55266 55386 55405	35990	(242.47) 46.19 (47.82) 11.50 (172.71) (73.96) (13.75) 213.97 49.55 (370.57) 181.70 21.89 (129.10) (12.42) 29.94 (52.40) (15.12) (174.40) (16.40) 6.40 (512.62) (257.95) 1,543.35 1.00	MAY- PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH NOVEMBER PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH PETTY CASH MARCH PETTY CASH PETTY CASH PETTY CASH PETTY CASH Adjustment	1.00
7/29/2021	CITY OF PITTSBURG	55390	35991	842.15	UTILITIES	842.15
7/29/2021	POLYDYNE INC	55403	35992	15,356.22	DRY POLY	15,356.22
7/29/2021	PSOMAS	55398	35993	32,507.11	CONSTRUCTION MANAGEMENT SERVICES	32,507.11
7/29/2021	REGIONAL GOVERNMENT SERVICES	55401	35994	375.00	LABOR RELATIONS CONSULTING WORK	375.00
7/29/2021	RH TECHNOLOGY	55358	35995	2,706.48	O/S TEMP	2,706.48
7/29/2021	TERRY SPURGEON	55359	35996	332.20	AUGUST REIMBURSEMENT	332.20



CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
7/29/2021	TRI-VALLEY JANITORIAL SERVICE & SUPPLY INC,		35997			5,060.00
		55365		5,060.00	COVID-19 RESPONSE DAYTIME JANITORIAL SERVICES	
7/29/2021	TYLER TECHNOLOGIES, INC.		35998			332.75
		55368		1,304.00	MUNIS PERMITS AND CODE ENFORCEMENT MODULE	
		55372		(971.25)	CREDIT MEMO (PACE TRAINING)	
7/29/2021	UNIVAR USA INC		35999			7,111.12
		55255		3,556.00	SODIUM BISULFITE	
		55305		3,555.12	SODIUM HYPOCHLORITE	
7/29/2021	JOSEPH VASSAR		36000			175.00
		55393		175.00	SAFETY SHOES	
<b>GRAND TOTAL</b>						<b><u>1,621,572.12</u></b>

September 8, 2021

RECEIVE FOURTH QUARTER FISCAL YEAR 2020/2021 DISTRICT INVESTMENT REPORT

**Recommendation**

Receive Fourth Quarter Fiscal Year 2020/2021 (FY20/21) District Investment Report.

**Background Information**

The purpose of this Investment Report (Quarterly Schedule of Cash and Investments) is to provide the Board with an update of the District's investment portfolio as of June 30, 2021, in accordance with the District's Investment Policy, which was adopted on February 12, 2020. The Investment Report includes a summary of portfolio composition and performance, and other key investment and cash flow information.

The Policy includes the following primary investment portfolio objectives (in priority order): 1) safety of the principal invested, 2) sufficient liquidity to meet ongoing cash flow requirements, and 3) a return (or yield) on investments that exceeds the state of California's Local Agency Investment Fund (LAIF) yield and is comparable to the six-month U.S. Treasury yield.

**Analysis**

The District's total Cash and Investments as of June 30, 2021, was \$82.4 million, including \$20.4 million (25%) in cash, \$56.8 million (69%) in LAIF, and \$5.3 million (6%) in the California Asset Management Program (CAMP), which is a California Joint Powers Authority (JPA) established in 1989 to provide public agencies with professional investment services. This represents an increase of \$17 million from the quarter ending March 31, 2021 and an increase of \$12.3 million from last year's balance during the same period of \$70 million. The Cash and Investments balance fluctuates from quarter to quarter primarily due to the timing of service charges, receipt of loan proceeds, and disbursement of debt service and/or large construction project progress payments.

At the recommendation of the District's investment advisor (PFM), the District invested \$5.3 million in CAMP. The District's Investment Policy includes the ability to use the CAMP pool to provide further diversification of invested funds, as it is a permitted short-term cash reserve portfolio for all local agencies under Government Code Section 53601(p) and supports planned short-term cash flow needs for several large capital projects.

Cash on deposit with Wells Fargo Bank is used for operating purposes and interest earned is used to offset the Wells Fargo service fees. For investment yield calculation purposes, the Wells Fargo balance is excluded. For the quarter ending June 30, 2021, LAIF had an effective yield of 0.33%, while CAMP had a yield of 0.053%. The blended yield for the quarter was 0.3%. This yield was on par with the target rate-of-return for the overall portfolio, which was designed to exceed LAIF and be comparable to the six-month Treasury Bill rate, which was 0.06% as of June 30, 2021.



**Financial Impact**

In FY20/21, annual investment earnings contributed approximately \$0.29 million or 0.6% to the District's total revenue of \$53.1 million. Interest rates fluctuate based on actions taken by the Federal Reserve. Interest rate cuts by the Federal Reserve will likely result in moderately decreased earnings rates on the District's invested funds and therefore lower earnings for the next fiscal year. Staff will continue to monitor yields and implement strategies within the Policy to maximize yields in support of fiscal stewardship.

**Attachment**

Quarterly Schedule of Cash and Investments as of June 30, 2021

Reviewed by: \_\_\_\_\_



Brian Thomas  
Acting Business Services Director

cc: District File No. FIN.12-REP



**Delta Diablo**  
**Quarterly Schedule of Cash and Investments Ending June 30, 2021**

DESCRIPTION OF SECURITY	CUSIP NUMBER	SECURITY TYPE	COUPON RATE	MATURITY DATE	INVESTED AMOUNT	% OF TOTAL INVESTMENTS	PAR VALUE	MARKET VALUE	Quarterly Yield	PRICING SOURCE
<b><u>FUNDS SUBJECT TO INVESTMENT POLICY</u></b>										
<b><i>Cash Accounts</i></b>										
Cash - Wells Fargo			N/A	N/A	\$ 18,176,714.01	22.06%	\$ 18,176,714.01	\$ 18,176,714.01	See note (1)	
Cash - Cash Held at the County			N/A	N/A	2,176,777.15	2.64%	2,176,777.15	2,176,777.15		
Cash - Petty Cash			N/A	N/A	600.00	0.00%	600.00	600.00		
Cash and Cash Equivalents-MUFG-Union Bank			N/A	N/A	1,381.71	0.00%	1,381.71	1,381.71		
				<b>Total Cash</b>	<b>\$ 20,355,472.87</b>	<b>24.70%</b>	<b>\$ 20,355,472.87</b>	<b>\$ 20,355,472.87</b>		
<b><i>Investment</i></b>										
LAIF:										
County Treasurer-Capital Exp Project Funds		Public Agency Pool	N/A	N/A	\$ 78,178.62	0.09%	\$ 78,178.62	\$ 78,185.11	0.330%	LA F
District/Integrated Finance		Public Agency Pool	N/A	N/A	56,689,689.33	68.79%	56,689,689.33	56,694,392.87	0.330%	LA F
California Asset Management Program (CAMP)		Short-term Cash Portfolio	N/A	N/A	5,290,336.51	6.42%	5,290,336.51	5,290,336.51	0.053%	CAMP
				<b>Total Investments:</b>	<b>\$ 62,058,204.46</b>	<b>75.30%</b>	<b>\$ 62,058,204.46</b>	<b>\$ 62,062,914.49</b>		
				<b>Grand Total</b>	<b>\$ 82,413,677.33</b>	<b>100.00%</b>	<b>\$ 82,413,677.33</b>	<b>\$ 82,418,387.36</b>		

NOTE: This is the information required by Government Code Section 53646 (6).  
All report information is unaudited but due diligence was utilized in its preparation with the most current information available.  
(1) Interest earned (earnings credit) on account balance is used to offset banking fees and charges for Wells Fargo account.

COMPLIANCE STATEMENT:

I certify that this report reflects all District investments and is in conformity with the Investment Policy of Delta Diablo.  
A copy of the investment policy is available at the Administrative building.  
The Investment Program provides sufficient cash flow liquidity to meet the next six (6) months expenditure requirements.

  
 \_\_\_\_\_  
 Anika Lyons  
 Finance Manager

September 8, 2021

ACCEPT AND AUTHORIZE GENERAL MANAGER TO FILE NOTICE OF COMPLETION,  
PACIFIC INFRASTRUCTURE CORPORATION, SODIUM BISULFITE TANK  
REPLACEMENT, PROJECT NO.17139

**Recommendation**

Accept the Sodium Bisulfite Tank Replacement Project as complete and authorize the General Manager to file a Notice of Completion (NOC) with the Contra Costa County Recorder's Office.

**Background Information**

In December 2019, the Board awarded a construction services contract for the Sodium Bisulfite (SBS) Tank Replacement Project to Pacific Infrastructure Corporation (PIC) in the amount of \$502,900. The construction work primarily included replacement of two existing chemical storage tanks and associated chemical feed piping. Project construction commenced in May 2020 with field work completed in July 2021.

**Analysis**


The project work has been inspected and found to meet contract requirements. Staff recommends acceptance of the project by the Board. In addition, staff recommends the Board authorize the General Manager to file the NOC for the project with the Contra Costa County Recorder's Office. Per California Civil Code Section 9204(a), filing the NOC will provide notification to subcontractors, vendors, and suppliers of the completion of work, and will require such parties to submit any claims within thirty (30) days of the notice. Presently, there are no pending claims and staff is not aware of any unresolved issues that could lead to a claim related to this project.

**Financial Impact**

In March 2021, the Board authorized the General Manager to transfer monies to the SBS Tank Replacement Project from the Site Security Improvements Project within the Wastewater Capital Asset Replacement (WW CAR) Fund to increase the total project budget from \$800,000 to \$850,000. PIC's final contract amount is \$568,828.18, which includes the base contract amount and 13.1% for construction change orders. The total project cost, including design, construction, and staff labor is \$834,371. Unused funds will be returned to the WW CAR Fund.

**Attachment**

SBS Tank Replacement Project Notice of Completion

Prepared by:  \_\_\_\_\_

Thanh Vo  
Acting Engineering Services Director

cc: Pacific Infrastructure Corporation  
District File No. P.17139.11.04



When Recorded, Return to:

Delta Diablo  
2500 Pittsburg-Antioch Highway  
Antioch, CA 94509-1373

## NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is an owner of an interest or estate in the hereinafter-described real property, the nature of which interest or estate is fee simple.
2. The full name and address of the undersigned owner and of any and all co-owners is: Delta Diablo, 2500 Pittsburg-Antioch Highway, Antioch, CA 94509.
3. On the 8<sup>th</sup> day of September 2021, there was completed upon the hereinafter-described real property a work of improvement as a whole known as Sodium Bisulfite Tank Replacement Project No. 17139.
4. The name of the original contractor for the work of improvement as a whole was Pacific Infrastructure Corporation.
5. The real property herein referred to is situated in the City of Antioch, County of Contra Costa, State of California, and described as follows:

Replace two existing chemical storage tanks and associated chemical feed piping located at 2500 Pittsburg-Antioch Highway, Antioch, CA 94509.

DELTA DIABLO  
(Owner)

By: \_\_\_\_\_  
Vincent P. De Lange  
General Manager

### VERIFICATION

I, Vince De Lange, declare:

I hold the title of General Manager of Delta Diablo and am authorized to make this declaration on its behalf.

I have read the foregoing Notice of Completion and know the contents thereof. The Notice of Completion is true of my own knowledge, except as to those matters that are therein stated on information and belief, and as to those matters, I believe them to be true.

This declaration was signed on \_\_\_\_\_, at Antioch, California. I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Vincent P. De Lange  
General Manager

September 8, 2021

REJECT ALL BIDS RECEIVED ON JULY 30, 2021, ORDER ANY BID BONDS POSTED BY BIDDERS TO BE EXONERATED; AND DIRECT GENERAL MANAGER TO RETURN TO BIDDERS ANY CHECKS OR CASH SUBMITTED FOR BID SECURITY, ONSITE FUELING STATION REPLACEMENT, PROJECT NO. 19112

### **Recommendation**

Reject all bids received on July 30, 2021, order any bid bonds posted by the bidders to be exonerated; and direct the General Manager to return to bidders any checks or cash submitted for bid security for the Onsite Fueling Station Replacement Project.

### **Background Information**

In June 2021, the District's design consultant (Woodard & Curran) completed design of the Onsite Fueling Station Replacement Project, which included demolition and replacement of the existing fueling station with new onsite aboveground storage tanks and fueling facilities at the District's Wastewater Treatment Plant. The project was advertised for bids on June 30, 2021.

### **Analysis**

On July 30, 2021, four bids were received for the project, as shown in the attached Bid Summary. The low bid received was submitted by CIC, Inc. in the amount of \$697,204, which is \$397,204 (132%) higher than the Engineer's Estimate of \$300,000. According to the cost estimate classification table from ACE International, the Engineer's Estimate is normally expected to be within minus 10% to plus 15% of the contractor bids.

Staff has completed a detailed bid evaluation to identify potential reasons for the significant exceedance above the Engineer's Estimate in the bid results. Based on this review, which included outreach efforts to contractors, staff determined an increase in steel material costs have nearly doubled over the past year due to COVID-19 pandemic impacts on the construction supply chain. This is significant as steel materials are incorporated into a large portion of the project scope. In addition, there were several unknown project conditions (e.g., groundwater, underground anchorage for storage tank ballasts, sequencing for fuel transfers, etc.) that contributed to significant contingencies being included in the bids.

Staff recommends that the Board of Directors exercise its discretion under Public Contract Code Section 20783 and reject all bids for this project, without re-advertising the project. The project will be re-evaluated to consider implementing a modified scope that prioritizes available diesel fuel storage capacities and considers low-cost improvements to lower potential construction costs, while meeting District needs.

### **Financial Impact**

The adopted Fiscal Year 2021/2022-2025/2026 (FY21/22-FY25/26) Capital Improvement Program includes budget appropriations of \$650,000 through FY21/22, with a total project budget of \$650,000, for the Onsite Fueling Station Replacement Project in the Wastewater Capital Asset Replacement Fund.

### **Attachment**

Onsite Fueling Station Replacement Project Bid Summary



Reviewed by:



\_\_\_\_\_  
Thanh Vo  
Acting Engineering Services Director

cc: District File No. P.19112.08.01







**ONSITE FUELING STATION REPLACEMENT PROJECT  
DELTA DIABLO PROJECT NO. 19112**

Bid Opening: July 30, 2021 at 2:00 pm  
Construction Cost Estimate: \$300,000

**BID RESULTS**

<b><u>BIDDER</u></b>	<b><u>BID AMOUNT</u></b>
CIC, Inc.*	<u>\$697,204.00</u>
Air & Lube Systems, Inc.	<u>\$721,346.00</u>
Balch Petroleum & Builders, Inc.	<u>\$744,785.00</u>
GEMS Environmental Management Services, Inc.	<u>\$775,007.99</u>

**Notes:**

\* Lowest responsive and responsible bidder.

September 8, 2021

ADOPT RESOLUTION UPDATING THE DISTRICT'S RECORDS RETENTION SCHEDULE

**Recommendation**

Adopt Resolution updating the District's Records Retention Schedule.

**Background Information**

The objective of the District's Records Management Program is to protect District information and manage it efficiently by implementing a system for the creation, maintenance, retrieval, and disposition of official District records. This program ensures that records are readily available when needed by staff and members of the public. The Records Retention Schedule provides the foundation for preserving records that are of historical and legal value, eliminating redundant records, and disposing of obsolete records in accordance with established guidelines.

The District utilizes Gladwell Governmental Services, Inc., (GGS) to conduct an annual review of the retention schedule to ensure the District adheres to a minimum retention schedule for all District records.

**Analysis**

The District, GGS, and District Counsel conducted an annual review of the proposed update to the Records Retention Schedule and confirmed that all government and special district standards and regulations are being met, including Government Code Sections 60200 through 60204, and specifically Section 60201(b)(2), and the Records Management Guidelines of the Secretary of State. The proposed key changes include reducing retention of document copies and retaining only the original documents, modifying media options, and implementing the ability to destroy paper documents once they have been imaged and reviewed for quality control purposes. Minor updates include clarifying record descriptions and the comment/reference sections, and adding new record retention categories.

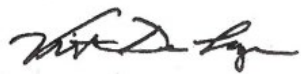
**Financial Impact**

None.

**Attachments**

Draft Resolution Updating the District's Records Retention Schedule

Reviewed by:



Vince De Lange  
General Manager

cc: District File No. REC.04-SCHE



**BEFORE THE BOARD OF DIRECTORS  
OF  
DELTA DIABLO**

**Re: Approving Revisions to Records Retention )  
Schedule Pursuant to Government Code )  
Sections 60200 through 60204 )**

**RESOLUTION NO. X/2021**

THE BOARD OF DIRECTORS OF DELTA DIABLO HAS DETERMINED THAT:

WHEREAS, Government Code Section 60201, subdivision (b)(2), authorizes the District’s governing body to adopt and comply with a record retention schedule that complies with guidelines prepared by the Secretary of State pursuant to Government Code Section 12236, and that classifies all the District’s records by category, and establishes a standard protocol for destruction and disposition of the records;

WHEREAS, the District’s consultant, Gladwell Governmental Services, worked with District staff to develop the District’s current Records Retention Schedule;

WHEREAS, the Board of Directors adopted Resolution Nos. 13/2016, 2/2018, 2/2019, and 5/2020 revising the Records Retention Schedule and authorizing destruction of District Records Pursuant to Government Code Sections 60200 through 60204; and

WHEREAS, Gladwell Governmental Services has performed the annual review and recommended revisions, attached as Exhibit A to the current Records Retention Schedule to reflect current legal requirements and departmental needs, and the General Manager, Department Directors, and District Counsel concur with these recommendations.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF DELTA DIABLO DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

1. The revisions to the Records Retention Schedule shown in Exhibit A are hereby adopted and incorporated into the Records Retention Schedule. All District records shall be maintained, disposed of, and destroyed in accordance with the Records Retention Schedule, as revised.
2. Each Department Director shall be responsible for maintaining, destroying, and disposing of records in respective departments in accordance with the Records Retention Schedule.
3. Any future change to the Records Retention Schedule must be approved by the Board of Directors.
4. Nothing in the Records Retention Schedule shall be construed as authorizing the destruction of any record that must be retained, pursuant to Government Code Section 60201, subdivision (d).
5. For the purposes of this Resolution and the Records Retention Schedule, the term “record” has the same meaning as that term has under Government Code Section 60201, subdivision (a).

PASSED AND ADOPTED on September 8, 2021, by the following vote:

AYES:  
NOES:

ABSENT:  
ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of Delta Diablo on September 8, 2021.

ATTEST: Juan A. Banales  
Board Secretary

By: \_\_\_\_\_

**RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	
(OFR)									
<i>Retentions apply to the department that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR, refer to your department retention schedule.</i>									
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>									
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>									
<b>DISTRICT-WIDE (Used by All Departments)</b>									
Human-Resources	DW-01	Accident or Damage Reports (Employees and Vehicles)	Copies— When No Longer Required		Copies— When No Longer Required	Yes: Until Settled	Mag, Mfr, OD, Ppr		Field Services maintains originals of all incident reports, Personnel maintains originals of employee injuries (workers compensation); GC §60200
General-Manager & District-Secretary	DW-02	Accident, Damage, Incident, Event or Injury Reports (Public)	Copies— When No Longer Required		Copies— When No Longer Required	Yes: Until Settled	Mag, Mfr, OD, Ppr		Risk Management maintains originals of all incident reports; GC §60200
Finance / Accounts-Payable	DW-03	Accounts Payable (Petty Cash, Invoices, Travel Expense Reimbursements, etc.)	Copies— When No Longer Required		Copies— When No Longer Required	Yes: Until Paid	Mag, Ppr		Also see Grants, copies; GC §60200
Finance / Accounts-Receiveable	DW-04	Accounts Receivable (cash, checks, deposits, billing for property damage, etc.)	Copies— When No Longer Required		Copies— When No Longer Required	Yes: Until Paid	Mag, Ppr		Financial Services Maintains Originals; GC §60200
Records-Manager	DW-05	Agreements & Contracts <b>ALL</b> : Includes RFPs/RFQs, Specifications, Successful Bid / Proposal / Scope of Work, Amendments, Change Orders, Insurance Certificates, Notice of Completions, and Warrantees)	Copies— When No Longer Required		Copies— When No Longer Required	Yes: Before Completion	Mag, Mfr, OD, Ppr		Copies; All infrastructure improvements are permanent. Statute of Limitations for written contracts are four years from the date of breach; errors and emissions is 10 years; CCP §§337., 337.1(a), 337.15 GC §60200, Contractor has retention requirements in 48 CFR 4.703

**RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS**

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			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>Retentions apply to the department that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR, refer to your department retention schedule.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Lead Department	DW-06	Agreements & Contracts - Financial & Non-Financial: <b>ADMINISTRATIVE RECORDS</b>  (Correspondence, project schedules, copies of invoices, backup, insurance certificates, RFP, etc.) Also see grant retention, if applicable.	Completion + 10 years		Completion + 10 years		Mag, Mfr, OD, Ppr	S/I	Yes: <u>After QC &amp; OD</u> <del>Upon-Completion</del>	Also see Grants. Covers E&O Statute of Limitations (insurance certificates are filed with agreement); Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers must retain their records for completion + 10 years; CCP §337 et. seq., GC §60201
Lead Department	DW-07	Agreements & Contracts: Unsuccessful Bids / Unsuccessful Proposals	2 years		2 years		Ppr			Special Districts are required to keep public works unaccepted bids for 2 years; GC §60201(d)(11)
Finance	DW-08	<del>Audits—District</del>	<del>Copies—When No Longer Required</del>		<del>Copies—When No Longer Required</del>	—	Mag, Ppr			<del>GC §60200</del>
Lead Department	DW-09	Bids: See Agreements								
Lead Department	DW-10	Bids: Unsolicited (for unsuccessful bids submitted in response to a District RFP / RFQ, see Agreements & Contracts: Unsuccessful Bids)	When No Longer Required		When No Longer Required		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	GC §60200
Technical-Services / Engineering	DW-11	<del>Blueprints, Drawings or Plans (Finals, As-Builts)</del>	<del>Copies—When No Longer Required</del>		<del>Copies—When No Longer Required</del>	Yes	Mag, Mfr, OD, Ppr	S / I	Yes: <del>2</del> -years	<del>Copies; Water Resources keeps recycled water plans; managed through GIS; GC §60201 et seq.</del>

**RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS**

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Lead Department	DW-12	Brochures: See Reference Materials								
Lead Department	DW-13	Budget Reports: See Financial Reports								
Finance	DW-14	<del>Budgets—Finals, Drafts, Reports</del>	<del>Copies—When No Longer Required</del>		<del>Copies—When No Longer Required</del>	Yes:—Current Fiscal Year	Mag, Mfr, OD, Ppr			GC §§60200, 53901
GM / District Secretary or Human Resources	DW-15	Claims / Litigation	Copies—When No Longer Required		Copies—When No Longer Required	Yes:—Before Settlement	Mag, Mfr, OD, Ppr			GC §§60200, 60201 et seq.
Lead Dept.	DW-16	Committees or Task Forces: <b>Internal - ALL Records</b> (e.g. Records Management Committee, etc.)	2 years		2 years		Mag, Ppr, OD	S / I	Yes: <u>After QC &amp; OD</u>	GC §60201
Lead Department	DW-17	Committees, Task Forces, Associations, Commissions, & Boards: <b>External Organizations</b> (e.g. Association of California Sanitation Agencies, etc.)	When No Longer Required		When No Longer Required		Mag, Ppr			Non-records
Lead Department	DW-18	Contracts: See Agreements								
Lead Department	DW-19	Copies or duplicates of any record	Copies - When No Longer Required		Copies - When No Longer Required		Mag Ppr			GC §60200

**RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS**

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			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?		
(OFR)											
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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>											
Lead Dept.	DW-20	Correspondence - <b>Establishing Policy</b>  (documents formation of policies or decision making process.)	Until Superseded	Superseded + 2 years	Superseded + 2 years			Mag, <del>Mfr</del> , OD, Ppr	S/I	Yes: <u>After QC &amp; OD</u> <del>When-Superseded</del>	Statewide guidelines propose Superseded + 2 or 5 years; GC §60201
Lead Dept.	DW-21	Correspondence - <b>Regulatory Agencies</b> ( <u>includes Annual Reports</u> )	When No Longer Required - Minimum 10 years		When No Longer Required - Minimum 10 years	Yes: While Active Issues		Mag, Ppr			District preference; some correspondence from Regulatory Agencies need to be retained for long periods of time; GC §60201
Dept. that Authors Document or Receives the District's Original Document	DW-22	Correspondence - <b>Routine</b>  (e .g. Administrative, Chronological, General Files, Letters, Memorandums, Miscellaneous Reports, Reading, Working Files, etc. Does NOT include Regulatory Agency Correspondence)	2 years		2 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Content of Correspondence relates in a substantive way to the conduct of the public's business; GC §60201

**RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>Retentions apply to the department that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR, refer to your department retention schedule.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Dept. that Authors Document or Receives the District's Original Document	DW-23	Correspondence - <b>TRANSITORY / PRELIMINARY DRAFTS</b> , Interagency and Intraagency Memoranda not retained in the ordinary course of business  (e.g. calendars, checklists, e-mail or social media posting, instant messaging, inventories, invitations, logs, mailing lists, meeting room registrations, speaker slips, <a href="#">staff videoconference chats, notes and recordings</a> , supply inventories, telephone messages, transmittal letters, thank yous, requests from other cities, text messages, undeliverable envelopes, visitors logs, voice mails, webpages, etc.)	When No Longer Required		When No Longer Required				Mag, Ppr	Content of Correspondence NOT Substantive, or NOT made or retained for the purpose of preserving the informational content for future reference. Electronic and paper records are filed and retained based upon their <b>CONTENT</b> . Records where <b>either the Content relates in a substantive way to the conduct of the public's business, or ARE made or retained for the purpose of preserving the informational content for future reference are saved</b> by placing them in an electronic or paper (project) file folder and retained for the applicable retention period. If not mentioned here, consult the District Counsel to determine if a record is considered transitory / preliminary draft. GC §§60201, 6252, 6254(a); 64 Ops. Cal. Atty. Gen. 317 (1981); City of San Jose v. Superior Court (Smith). S218066. Supreme Court of California, 2017
Lead Dept.	DW-24	Drafts & Notes: Drafts that are revised (retain final version)	When No Longer Required		When No Longer Required				Mag, Ppr	As long as the drafts and notes are not retained in the "Regular Course of Business". GC §60201, GC §6254



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(OFR)										
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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Lead Dept.	DW-25	Equipment Diagrams, Instructions, Manuals, Specifications and Warrantees	Until Disposal of Equipment		Until Disposal of Equipment	Yes	Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> (after inactive)	RFPs, contracts & agreements are maintained for appropriate periods; GC §60201
Lead Dept.	DW-26	Equipment Inventories, Parts lists Inventories of pumps, parts and equipment	5 years		5 years		Mag, Ppr, <a href="#">OD</a>	S / I	Yes: <a href="#">After QC &amp; OD</a>	Meets auditing standards; Fixed Asset Inventory is maintained by Financial Services for a longer period; GC §60201 et seq.
<a href="#">Lead Dept. Technical Services / Engineering</a>	DW-27	GIS database	When Superseded		When Superseded	Yes	Mag.			Department Preference (Preliminary documents); the Lead Department should print out historical documents prior to replacing the data; GC §60200, 60201 et seq.
Lead Dept.	DW-28	Grants ( <b>SUCCESSFUL</b> - all records, including FEMA claims or OES Claims)	2 years	P	P		Mag, Ppr, <a href="#">OD</a>	S / I	Yes: <a href="#">After QC &amp; OD</a>	District Preference (may include records pertaining to independent contractor's compensation, or expense reimbursement); Meets auditing standards; Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report or final payment of grantee or subgrantee; 2 CFR 200.333; 24 CFR 91.105(h), 92.505, 570.490, & 570.502(a), 29 CFR 97.42; OMB Circular A-110 & A-133;; GC §60201; GC §8546.7

**RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS**

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Lead Dept.	DW-29	Grants: <b>UNSUCCESSFUL</b> (Applications, Correspondence, etc.)	When No Longer Required		When No Longer Required		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	GC §60201
Lead Dept.	DW-30	Incidents: Violations, Spills, Investigations and Corrective Actions (Includes Customer Concerns and Issues)	5 years		5 years	Yes: Before Resolution	Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department preference; Code of Federal Regulations requires 3 years; 40 CFR 122.41(j)(2) & 40 CFR 141.33(b)
Lead Department	DW-31	Invoices - see Accounts Payable								
Engineering	<del>DW-32</del>	<del>Master Plans (Water System, Water Availability, Urban Water Master Plan, etc.)</del>	<del>Copies - When No Longer Required</del>		<del>Copies - When No Longer Required</del>	Yes	<del>Mag, Mfr, OD, Ppr</del>			<del>Copies (Office of Record is Engineering E-06); GC §60200</del>
Lead Dept.	DW-33	Material Data Safety Sheet (MSDS) / Safety Data Sheet (SDS) / Chemical Use Report Form	When Chemical No Longer Used	30 years	When Chemical No Longer Used + 30 years		Mag, <del>Mfr</del> , OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD (after inactive)</u>	Previous MSDS may be obtained from a service; MSDS may be destroyed as long as a record of the chemical / substance / agent, where & when it was used is maintained for 30 years; Applies to qualified employers; Claims can be made for 30 years for toxic substance exposures; 8 CCR 3204(d)(1)(B)(2 and 3), 29 CFR 1910.1020(d)(1)(ii)(B), GC §60201
GM / District Secretary	DW-34	Ordinances (these are copies)	When No Longer Required		When No Longer Required	Yes	Mag, Mfr, OD, Ppr			Originals maintained by Clerk of the Board Permanently; GC §60201

**RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS**

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Lead Dept.	DW-35	Permits - NPDES, etc.	Expiration	P	P		Mag, Mfr, OD, Ppr	S/I	Yes: <a href="#">After QC &amp; OD</a> (after inactive)	District preference; GC §60200
Human Resources	DW-36	Personnel Files - <b>Department-level Copies</b> ("Desk File")	Send to Personnel Upon Separation		Send to Personnel Upon Separation	Before Separation	Mag, Ppr, OD	S/I	Yes: <a href="#">After QC &amp; OD</a>	Ensure records kept in Department files comply with District policy; Originals are maintained by Personnel. Supervisors notes should be maintained in a separate folder and be incorporated in the employee's annual performance review; 29 CFR 1602.31 & 1627.3(b)(1), 8 CCR §3204(d)(1) et seq., GC §§12946, <a href="#">12960</a> , 60201
Human Resources	DW-37	Personnel Files - Department-level <b>Supervisor's Notes</b> .	1 year		1 year	Before Separation	Mag, Ppr, OD	S/I	Yes: <a href="#">After QC &amp; OD</a>	Supervisors notes should be maintained in a separate folder and be incorporated in the employee's annual performance review; 29 CFR 1602.31 & 1627.3(b)(1), 8 CCR §3204(d)(1) et seq., GC §§12946, <a href="#">12960</a> , 60201
Lead Department	DW-38	Policies & Procedures - See Reference Manuals								
Public Information	DW-39	<del>Press Releases / News Releases</del>	<del>Copies—When No Longer Required</del>		<del>Copies—When No Longer Required</del>		Mag, Ppr			<del>Copies; GC §60200</del>

**RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS**

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<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
General Manager / District Secretary	DW-40	Public Records Act Requests	3 years		3 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	District preference; CCP §338; GC §60201(d)(5)
Finance- / Purchasing	DW-41	Purchase Orders	<del>Copies— When No Longer Required</del>		<del>Copies— When No Longer Required</del>	—	Mag, Ppr			<del>Purchasing maintains originals; Financial records are audited annually; GC §60200</del>
Records- Manager	DW-42	Records Destruction Lists	<del>Send to Records- Manager</del>		<del>Send to Records- Manager</del>		Mag, OD, Mfr, Ppr			<del>GC §60201(b)(1)(B)</del>
Lead-Dept.	DW-43	<del>Reference Materials: Policies, Procedures, Reports, Brochures, Manuals, Newsletters: Produced by OTHER Departments</del>	<del>Copies— When Superseded</del>		<del>Copies— When No Longer Required</del>		Mag, OD, Mfr, Ppr			<del>Copies; GC §60200</del>
Lead Dept.	DW-44	Reference Materials: Policies, Procedures, Reports, Brochures, Manuals, Newsletters: Produced by <b>OUTSIDE ORGANIZATIONS</b>	When No Longer Required		When No Longer Required		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Non-Records
Lead Dept.	DW-45	Reference Materials: Policies, Procedures, Reports, Brochures, Manuals, Newsletters: Produced by <b>YOUR</b> Department	10 years or When No Longer Required, Whichever is Longer		10 years, or When No Longer Required, Whichever is Longer		Mag, Mfr, OD, Ppr	S/I	Yes: <u>After QC &amp; OD</u> <del>When-Supersede</del> <b>d</b>	Department preference; Documents of historical significance should be retained longer; GC §60201
Lead Department	DW-46	Reference or Working Files: See Correspondence								

**RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
<i>Retentions apply to the department that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR, refer to your department retention schedule.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Lead Dept.	DW-47	Reports, Studies, and Surveys - White Papers, Issue Papers, Scientific Studies, Energy Management, Regulatory (excluding Environmental) Documentation and Inspection (other than Annual Reports - e.g. Water Rate Study, )	10 years, or When No Longer Required, Whichever is Longer		10 years or When No Longer Required, Whichever is Longer		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department preference; GC §60201
Lead Dept.	DW-54	Reports and Studies - Historical	P		P		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department preference; GC §60201
Finance	DW-48	<del>Reports: Financial Reports (e.g. Encumbrance, Labor, Budget, etc.)</del>	<del>Copies - When No Longer Required</del>		<del>Copies - When No Longer Required</del>	-	Mag, Mfr, OD, Ppr	<del>S / I</del>	<del>Yes: - When Inactive</del>	<del>Financial Services is OFR; GC §60200</del>
GM / District Secretary	DW-49	<del>Resolutions (copies)</del>	<del>Copies - When No Longer Required</del>		<del>Copies - When No Longer Required</del>	Yes, depending upon subject	Mag, Mfr, OD, Ppr	<del>S</del>	<del>No</del>	<del>copies; GC §60200</del>
Lead Dept.	DW-50	Surveys / Questionnaires (that the District issues). If a <b>summary</b> of the data is compiled, the survey forms are considered a draft or transitory record, and can be destroyed when no longer required.	10 years		10 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department preference; GC §§60200, 60201
Finance	DW-51	<del>Time Sheets &amp; Payroll Leave Requests</del>	<del>Copies - When No Longer Required</del>		<del>Copies - When No Longer Required</del>	-	Ppr			<del>GC §60201</del>

**RECORDS RETENTION SCHEDULE: DISTRICT-WIDE STANDARDS**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?		
(OFR)											
<i>Retentions apply to the department that is NOT the Office of Record (OFR) or the "Lead Department". If you are the OFR, refer to your department retention schedule.</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>											
Lead Dept.	DW-52	<b>Training - ALL COURSE RECORDS</b> (Attendance Rosters, Outlines and Materials; includes Ethics Training, Harassment Prevention, <a href="#">OSHA and Regulatory training</a> , Safety Training & Tailgates)	7 years		7 years			Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> ( <del>after inactive</del> )	Department preference; Ethics Training is 5 years; Statewide guidelines propose 7 years; Calif. Labor Division is required to keep their OSHA records 7 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years for personnel actions; 8 CCR §3203 et seq., 29 CFR 1602.31, LC §6429(c); GC §§12946, <a href="#">12960</a> , 60201, 53235.2(b), 53237.2(b)
Depart. that Provides Service / Work	DW-53	Service Calls / Work Orders / Maintenance Requests / Service Requests	5 years		5 years			Mag, Ppr, OD	S / I	Yes: <a href="#">After QC &amp; OD</a>	Department preference; GC §60200

**RECORDS RETENTION SCHEDULE: ENGINEERING**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
<b>DESIGN</b>										
<del>Technical Services / Engineering</del>	E-02	GIS database	When Superseded		When Superseded	Yes	Mag.			Department Preference (Preliminary documents); the Lead Department should print out historical documents prior to replacing the data; GC §60200, 60201 et seq.
Engineering / Design	E-03	Preliminary Studies / Project Assessments (Not Acquired or Built)	When No Longer Required - Minimum 10 years		When No Longer Required - Minimum 10 years		Mag, Mfr, OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> (after inactive)	Department Preference; GC §60201
<del>Engineering / Design</del>	<del>E-04</del>	<del>Project Files (In Engineering Library)</del>	<del>Transfer to Engineering Library</del>		<del>Transfer to Engineering Library</del>	<del>Yes: Until Superseded</del>	<del>Mag, Mfr, OD, Ppr</del>	<del>S / I</del>	<del>Yes: 2 years</del>	<del>Department Preference (central library maintains all completed project files)</del>

**RECORDS RETENTION SCHEDULE: ENGINEERING**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
<b>DEVELOPMENT SERVICES</b>										
Engineering / Develop. Services	E-05	Development Project Files - <b>Administration File / Design Phase:</b> Project Administration, Performance Bonds/Surety, Project Schedules, Cost of Construction, Logs, Insurance Certificates from Contractors, Correspondence, etc.	Upon Completion	10 years or After Funding Agency Audit, if required, whichever is longer	Completion + 10 years or After Funding Agency Audit, if required, whichever is longer	Yes: Until Completed	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 1 year</del>	Statute of Limitations for written contracts are four years from the date of breach; errors and omissions is 10 years; Death during construction is 10 years; CCP §§337., 337.1(a), 337.15 GC §60200, Contractor has retention requirements in 48 CFR 4.703
Engineering / Develop. Services	E-06	Development Project Files (Engineering Records Center 2) - <b>Permanent File:</b> Plans / Master Plans, Specifications, Materials Testing Reports, Environmental, Feasibility Studies, Offers of Dedication, Notice of Completion, Maps, Record Drawings ("As Builts"), Regulatory Agency Approvals, Soils Reports, Structural Calculations, Surveys, etc.	Upon Completion	P	P	Yes: Until Completed	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 1 year</del>	For disaster preparedness purposes; GC §60201 et seq.



Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
<b>ENGINEERING / LIBRARY</b>										
Engineering / Library	E-07.1	<p><u>CEQA / NEPA Documents: Environmental Determinations: Environmental Impact Reports (EIRs), Negative Declarations, Categorical Exceptions, etc.)</u></p> <p><u>Correspondence submitted to, or transferred from the agency, and all internal agency communications, including staff notes related to a non-exempt CEQA action. Includes all emails and communications connected with the project</u></p>	<u>Project Approval + 180 days</u>		<u>Project Approval + 180 days</u>		<u>Mag, Ppr, OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	<u>Not all internal communications and notes are required to be saved; "E-mails that do not provide insight into the project or the agency's CEQA compliance with respect to the project — are not within the scope of section 21167.6, subdivision (e) and need not be retained." Golden Door Properties, LLC v. Superior Court of San Diego County (County of San Diego, et al., Real Parties in Interest) (53 Cal.App.5th 733); PRC 21167.6; GC §60201</u>
Engineering / Library	E-07	CEQA / NEPA Documents: <b>Prepared by District</b> (Environmental Impact Reports (EIRs), Environmental Assessments, Negative Declarations, etc)	P (Maintained in Project File)		P (Maintained in Project File)	Yes: Until Project Completed	Mag, Mfr, OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> <u>After 1 year</u>	Copies usually filed in Project File (Water Resources is OFR); GC §60200
Engineering / Library	E-08	CEQA / NEPA Documents: <b>Prepared by Others</b> (District comments) (Environmental Impact Reports (EIRs), Environmental Assessments, Negative Declarations, etc)	When No Longer Required		When No Longer Required	Yes: Until Project Completed	Mag, Mfr, OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> <u>After 1 year</u>	Copies usually filed in Project File (Water Resources is OFR); GC §60200

**RECORDS RETENTION SCHEDULE: ENGINEERING**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Engineering / Library	E-09	<p>Engineering Project Files (Engineering Records Center 2) - <b>Administration File - NOT Grant-funded:</b></p> <p>Project Administration, Performance Bonds/Surety, Project Schedules, Certified Payrolls, Cost of Construction, Logs, Insurance Certificates from Contractors, Correspondence, Advertising, Labor Compliance, Temporary Encroachment Permits, etc.</p>	Upon Completion	10 years	Completion + 10 years	Yes: Until Completed	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> After 1 year	Statute of Limitations for written contracts are four years from the date of breach; errors and omissions is 10 years; Death during construction is 10 years; CCP §§337., 337.1(a), 337.15 GC §60200, Contractor has retention requirements in 48 CFR 4.703
Engineering / Library	E-10	<p>Engineering Project Files (Engineering Records Center 2) - <b>Permanent File:</b></p> <p>Plans, Specifications, RFPs / RFQs, Materials Testing Reports, Environmental, Feasibility Studies, Notice of Completion, Record Drawings ("As Builts"), Regulatory Agency Approvals, Soils Reports, Structural Calculations, Surveys, Permanent Encroachment Permits, EIRs, Negative Declarations, Materials Submittals, SAMPs, etc.</p>	Upon Completion	P	P	Yes: Until Completed	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> After 1 year	For disaster preparedness purposes; GC §60201 et seq.
Engineering / Library	E-11	Sewer Connections / Laterals / Permits	Upon Completion	P	P	Yes: Until Completed	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> After 1 year	Department Preference; GC §60201 et seq.

## RECORDS RETENTION SCHEDULE: ENGINEERING

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
<b>ENVIRONMENTAL COMPLIANCE / CUPA (Certified Unified Program Agencies)</b>										
Engineering / Environ. Compliance	E-13	Records for Above Ground Storage Tanks (Agency Owned)  Records relating to Spill Prevention Control and Countermeasures (SPCC), Inspections, Integrity Testing, Maintenance, Repairs, Lining, Upgrades	<u>P</u> 20-years		<u>P</u> 20-years		Mag, Ppr, <u>OD</u>	<u>S</u> / <u>I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; applies to both Tier I and Tier II Tanks; (Tier II tanks are required to have an integrity test every 20 years); EPA recommends that formal test records or reports be retained for the life of the container; GC §60201
Engineering / Environ. Compliance	E-14	Hazardous Materials <b>Business Plans</b>	5 years	P	P	Yes: When Current	Mag, <del>Mfr</del> , OD, Ppr	<u>S</u> / <u>I</u>	Yes: After QC & OD	Department preference; (District has "cradle to grave" liability); only 3 years is mandated; 22 CCR 66262.40; GC §60201
Engineering / Environ. Compliance	E-15	Hazardous Waste Generator <b>Inspection, Correspondence, Reporting Forms</b>	10 years		10 years		Mag, <del>Mfr</del> , OD, Ppr	<u>S</u> / <u>I</u>	Yes: After QC & OD	Department Preference; GC §60201
Engineering / Environ. Compliance	E-16	Hazardous Waste <b>Manifests / CUPA</b>	5 years	P	P		Mag, <del>Mfr</del> , OD, Ppr	<u>S</u> / <u>I</u>	Yes: After QC & OD	Department preference; (District has "cradle to grave" liability); only 3 years is mandated; 22 CCR 66262.40; GC §60201
Engineering / Environ. Compliance	E-17	Underground Storage Tanks - USTs (owned by the District) – Repairs, Lining, Upgrades; <a href="#">Monitoring and Maintenance, Release Detection Systems, Cathodic Protection Maintenance Records, Inspections</a>	P		P		Mag, <del>Mfr</del> , OD, Ppr	<u>S</u> / <u>I</u>	Yes: After 1 year	Department Preference; 23 CCR 2712(b), H&S §25284.2(i)

**RECORDS RETENTION SCHEDULE: ENGINEERING**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
<del>Engineering / Environ. Compliance</del>	<del>E-18</del>	<del>Underground Storage Tanks — USTs (owned by the District) — UST Monitoring and Maintenance, Release Detection Systems, Cathodic Protection Maintenance Records, Inspections</del>	<del>7 years</del>		<del>7 years</del>		<del>Mag, Mfr, OD, Ppr</del>	<del>S</del>	<del>Yes: After 1 year</del>	<del>Monitoring and Maintenance records are required on-site for 3 years, 6 ½ years for cathodic protection maintenance, 5 years for calibration &amp; maintenance of release detection systems; 23 CCR 2712(b); H&amp;S §25284.24(i)</del>
Engineering / Environ. Compliance	E-19	Underground Storage Tanks - USTs (owned by the District) - UST Permits	7 years	P	P		Mag, Mfr, OD, Ppr	S <u>1</u>	Yes: After 1 year	Department preference; permits are good for 5 years; 23 CCR 2712©, H&S §25285(a)

**RECORDS RETENTION SCHEDULE: FINANCE**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
<b>FINANCE / ADMINISTRATION / CONTROLLER / GENERAL LEDGER</b>										
Finance / Admin.	FIN-01	Ad Valorem Taxes (Property Tax)	2 years	5 years	7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; IRS: 4 years after tax is due or paid (longer for auditing & contractor delinquency); Ca. FTB: 3 years; IRS Reg §31.6001-1(e)(2), 26 CFR §1.6001-1, R&T §19530, GC §60201
Finance / Admin.	FIN-02	Arbitrage Rebate / Calculations / Reinvestment	Completion (Life of Bond Issue) + 10 years		Completion (Life of Bond Issue) + 10 years	Yes: Until Maturity	Mag, <u>Mfr</u> , OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> No	Department Preference; Statute of Limitations for bonds, mortgages, trust deeds, notes or debentures is 6 years; Bonds issued by local governments are 10 years; There are specific requirements for disposal of unused bonds; CCP §§336(a)(1) & (2), 337.5(2); GC §43900 et seq. GC §60201 et seq.
Finance / Admin.	FIN-03	Audit Management Letters (not CAFR)	2 years	P	P		Mag, <u>Mfr</u> , OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> <u>After 1 year</u>	Department Preference for historical purposes; GC §60201
Finance / Admin.	FIN-04	Audit Work Papers (Drafts)	10 years		10 years		Mag, <u>Mfr</u> , OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> <u>After 1 year</u>	Department Preference for historical purposes; GC §60201
Finance / Admin.	FIN-05	Audited Financial Statements / Comprehensive Annual Financial Report (CAFR)	2 years	P	P		Mag, <u>Mfr</u> , OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> <u>After 1 year</u>	Department Preference for historical purposes; District Secretary retains original permanently; GC §60201 et seq.
Finance / Admin.	FIN-06	Audits (Projects, Independent Audits) Financial Statements & Management Letters	2 years	P	P		Mag, <u>Mfr</u> , OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> <u>After 1 year</u>	Department Preference for historical purposes; GC §60201

## RECORDS RETENTION SCHEDULE: FINANCE

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Finance / Admin.	FIN-07	Bonds / Certificates of Participation / Transcripts / Disclosure Reports	Cancellat., Redemption or Maturity + 10 years		Cancellat., Redemption or Maturity + 10 years	Yes: Until Maturity	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> No	Department Preference; Statute of Limitations for bonds, mortgages, trust deeds, notes or debentures is 6 years; Bonds issued by local governments are 10 years; There are specific requirements for disposal of unused bonds; CCP §§336(a); 337.5(2); GC §43900 et seq. 26 CFR 1.6001-1(e); GC §60201 et seq.
Finance / Admin.	FIN-08	Budgets: Adopted, Budget Hearing, Capital Budget, etc.	10 years		10 years	Yes: Current Fiscal Year	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 1 year</del>	Department Preference; District Secretary maintains originals; longer for administrative value; GC §60200
Finance / Admin.	FIN-09	Budgets: Development, Drafts, etc.	5 years		5 years		Mag, Ppr, OD	S / I	Yes: <a href="#">After QC &amp; OD</a>	Department Preference; District Secretary maintains originals; longer for administrative value; GC §60200
Finance / Admin.	FIN-10	Chart of Accounts (Print out if a software change is made in order to retain historical account numbers)	2 years	P	P	Yes	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 1 year</del>	Department Preference to research Year-end General Ledgers, which are retained permanently; GC §60201
Finance / Admin.	FIN-11	Customer Payments and Check Stubs	2 years	8 years	10 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 1 year</del>	Department Preference; GC §60201
Finance / Admin.	FIN-12	Depreciation Schedules (In Audit Work Papers)	10 years		10 years		Mag, Ppr	S / I	Yes: After Inactive	Department Preference for GASB 34; Published articles show 7 years after disposal; GC §60201

### RECORDS RETENTION SCHEDULE: FINANCE

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?		
(OFR)											
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>											
Finance / Admin.	FIN-13	Financial Reports: Journals, Ledgers, Reconciliations, Registers, Reports, Transaction Histories, Balance Sheets, Budget Adjustments (MONTHLY OR PERIODIC) Does NOT include year-end General Ledger.	7 years When No-Longer-Required		7 years When No-Longer-Required			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department preference; Draft / Preliminary documents used to produce final year-end general ledger (financial database is the original); GC §60201
Finance / Admin.	FIN-14	Financial System Database	Indefinite		Indefinite			Mag			Data is interrelated; system qualifies as a "trusted system"; GC §§60201, 12168.7
Finance / Admin.	FIN-15	Fixed Assets - Auction / Disposal / Sales / Surplused	2 years	5 years	7 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Consistent with Accounts Receivable; Statute of limitations is 3 years; statewide guidelines propose 2 - 4 years; published articles show 3 - 6 years; GC §60201, CCP §337
Finance / Admin.	FIN-16	Fixed Assets - Inventory, Schedule of Infrastructure and Buildings	2 years	P	P			Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> After 1 year	Department Preference; GC §60201
Finance / Admin.	FIN-17	General Ledger: Final year-end	2 years	8 years	10 years			Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> After 1 year	Department Preference; Published articles show 3 - 7 years; GC §60201
Finance / Admin.	FIN-50	Investments / Arbitrage	2 years	5 years	7 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Meets auditing standards GC §60201
Finance / Admin.	FIN-18	Journal Entries	2 years	5 years	7 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Statute of Limitations is 4 years; Published articles show 6-7 years; GC §60201, CCP §337
GM / District Secretary	FIN-19	Master Fee Schedule , Connection Fees, Rates & Charges (CFCCs - Capital Facility Capacity Charges)	7 years		7 years	Yes: Until superseded		Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> After 1 year	Department preference; GC §60200

**RECORDS RETENTION SCHEDULE: FINANCE**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Lead Dept.	FIN-20	Special Project Files	When No Longer Required		When No Longer Required			Mag, Ppr		Copies / Draft / Preliminary documents used to accurately administer financial data; GC §60200
Finance / Admin.	FIN-21	State Reports: State Controller's Report, Local Government Compensation Report, etc.	2 years	5 years	7 years			Mag, Mfr, OD, Ppr	S / I Yes: <a href="#">After QC &amp; OD</a> <a href="#">After 1-year</a>	Department Preference; GC §60201



### RECORDS RETENTION SCHEDULE: FINANCE

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?		
(OFR)											
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>											
<b>FINANCE / ACCOUNTS PAYABLE</b>											
Finance / Accounts Payable	FIN-22	1099's, 1096, W-9	2 years	5 years	7 years			Mag, Ppr, <a href="#">OD</a>	<a href="#">S / I</a>	Yes: <a href="#">After QC &amp; OD</a>	IRS: 4 years after tax is due or paid (longer for auditing & contractor delinquency); Ca. FTB: 3 years; Published articles show permanent; ; IRS Reg §31.6001-1(e)(2), R&T §19530, GC §60201(d)(12); 29 USC 436
Finance / Accounts Payable	FIN-23	Accounts Payable Source Records (includes Invoices, Receivers, Travel Expense Reimbursements, Refunds, etc.)	2 years	5 years	7 years	Yes: Until Paid		Mag, Ppr, <a href="#">OD</a>	<a href="#">S / I</a>	Yes: <a href="#">After QC &amp; OD</a>	May contain independent contractor's compensation, expense reimbursement, or District credit card records; Meets municipal government auditing standards; Published articles show 3 - 7 years; GC §60201(d)(12)
Finance / Accounts Payable	FIN-24	Bank Statements / Bank Reconciliation / Fiscal Agent Statements, Trustee Statements, Investment Account Statements (Transaction Statements, Wire Transfers, Check Listing Audit Trail, Deposits, Returned Checks, Treasury Statements, Trustee & Investment Statements, etc.)	2 years	5 years	7 years			Mag, Ppr, <a href="#">OD</a>	<a href="#">S / I</a>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference; Meets municipal government auditing standards; Published articles show 3 - 7 years; GC §60201, 26 CFR 31.6001-1
Finance / Accounts Payable	FIN-25	Check Registers	2 years	5 years	7 years			Mag, Ppr, <a href="#">OD</a>	<a href="#">S / I</a>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference; Statute of Limitations is 4 years; Meets municipal government auditing standards; GC §60201, CCP § 337

## RECORDS RETENTION SCHEDULE: FINANCE

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Finance / Accounts Payable	FIN-26	Checks - Canceled (Cashed) or Voided	2 years	5 years	7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	May contain independent contractor's compensation; Statute of Limitations is 4 years; Meets municipal government auditing standards; GC §60201(d)(12), CCP § 337
<b>FINANCE / ACCOUNTS RECEIVABLE</b>										
Finance / Accounts Receivable	FIN-27	Accounts Receivable Source Records / Revenue (All Records and Reports)	2 years	5 years	7 years	Yes: Until Paid	Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Meets municipal government auditing standards; Published articles show 3 - 7 years; GC §60201
County	FIN-28	Assessor Property Tax Roll / Sewer Service Charge	2 years	3 years	5 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Meets municipal government auditing standards; The District has a 3-year refund limit policy; GC §60201
Finance / Accounts Receivable	FIN-29	Bank Deposits, Daily Banking Report, Cash Receipt Summary, Electronic Payment Report, Host File Summary Reports, Direct Debit Reports	2 years	5 years	7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Meets municipal government auditing standards; Published articles show 3 - 7 years; GC §60201
Finance / Accounts Receivable	FIN-30	Escheated Customer Payment Report (Write Offs)	1 year	6 years	7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	All tangible property held by government agencies escheats after 3 years with notice publication.; Statute of Limitations is 1 year for seized property; Meets auditing requirements; CCP §§340(4), 1519; GC §60201
Finance / Accounts Receivable	FIN-31	Manual Billing Adjustments	When No Longer Required		When No Longer Required		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Preliminary documents (customer service database is original); GC §60200. 60201 et seq.

**RECORDS RETENTION SCHEDULE: FINANCE**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Finance / Accounts Receivable	FIN-32	Miscellaneous Monthly Billing	2 years	5 years	7 years		Mag, Ppr, <a href="#">OD</a>	<a href="#">S / I</a>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference; Meets municipal government auditing standards; Published articles show 3 - 7 years; GC §60201
Finance / Accounts Receivable	FIN-33	Unpaid Debts / Returned Checks (Write-offs)	2 years	5 years	7 years		Mag, Ppr, <a href="#">OD</a>	<a href="#">S / I</a>	Yes: <a href="#">After QC &amp; OD</a>	Debts are considered discharged when written off; negative credit information remains on credit reports for 7 years; GC §60201(d)(7)

**RECORDS RETENTION SCHEDULE: FINANCE**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
<b>FINANCE / PAYROLL</b>										
Finance / Payroll	FIN-51	1095-C, 1094-C (Employer-Provided Health Insurance Offer and Coverage & Transmittal Form)	2 years	5 years	7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference; Exceeds IRS Guidance of 3 years; Instructions state "Generally, keep copies of information returns you filed with the IRS or have the ability to reconstruct the data for at least 3 years, from the due date of the returns"; GC §60201 et seq.
Finance / Payroll	FIN-48	CalPERS Annual Reports / Annual Valuation Reports, Actuarial Valuation Reports, Annual Employer Statements	5 years		5 years		Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 1-year</del>	Retained to meet auditing standards; GC §60201 et seq.
Finance / Payroll	FIN-34	DE-6, DE-7, DE-9 DE-43, W-3, & DE-166, 941 Forms, 1 Quarterly Payroll Tax Returns / OASDI, Federal Tax Deposits, Adjustments, etc.	2 years	5 years	7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference; IRS: 4 years after tax is due or paid (longer for auditing & contractor delinquency); Ca. FTB: 3 years; Published articles show permanent; ; IRS Reg §31.6001-1(e)(2), 26 CFR §1.6001-1, R&T §19530, GC §60201
Finance / Payroll	FIN-52	Employee Reimbursement Disclosure Report	2 years	5 years	7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <a href="#">After QC &amp; OD</a>	GC §§53065.5, 60201 et seq.
Finance / Payroll	FIN-35	Flex Spending Enrollment Forms, Correspondence Files (self-administered purchases, medical expenses, dependent care, prescriptions, etc.)	2 years	5 years	7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <a href="#">After QC &amp; OD</a>	Consistent with accounts payable; meets municipal government auditing standards; GC §60201(d)(12)
Finance / Payroll	FIN-36	Garnishments (all records)	2 years	5 years	7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <a href="#">After QC &amp; OD</a>	Retained to match other auditing periods; GC §60201

### RECORDS RETENTION SCHEDULE: FINANCE

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?		
(OFR)											
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>											
Finance / Payroll	FIN-37	Labor Distribution Reports	When No Longer Required		When No Longer Required			Mag, Ppr			Payroll database is the original record; GC §60201
Finance / Payroll	FIN-38	Payroll File (taxes and deduction forms, etc.)	Separation + 7 years		Separation + 7 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Retained to match other auditing periods; GC §60201
Finance / Payroll	FIN-39	Payroll Reports (other than Detail Year-End)	7 years		7 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Draft / Preliminary documents used to produce final year-end general ledger (financial database is the original); GC §60201
Finance / Payroll	FIN-40	Payroll Reports / W-2 Payroll File (Detail Year-end)	2 years	P	P			Mag, <u>Mfr</u> , <u>OD</u> , Ppr	S / I	Yes: <u>After QC &amp; OD</u> <i>After 1-year</i>	For use in reconstructing hours for PERS service for employees; 29 CFR 516.5 - 516.6, GC §60201
Finance / Payroll	FIN-41	PERS Annual Reports	7 years		7 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	PERS is OFR; retained to meet auditing standards; GC §60201 et seq.
Finance / Payroll	FIN-42	Timecards (prior to automated system)	7 years		7 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference to meet auditing standards; ; IRS Reg §31.6001-1(e)(2), R&T §19530; LC § 1174(d); 29 CFR 516.5 & 516.6(c); GC §60201 et seq.
Finance / Payroll	FIN-49	Unemployment Claims	2 years	5 years	7 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Retained to match other auditing periods; GC §60201
Finance / Payroll	FIN-43	W-2 Payroll File (year-end payroll)	P		P			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	For use in reconstructing hours for PERS service for employees; 29 CFR 516.5 - 516.6, GC §60201

**RECORDS RETENTION SCHEDULE: FINANCE**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Finance / Payroll	FIN-44	W-2's	7 years		7 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> IRS: 4 yrs after tax is due or paid; Ca. FTB: 3 years; Articles show 7 years; IRS Reg §31.6001-1(e)(2), R&T §19530; 29CFR 516.5 - 516.6, 29USC 436, GC §60201(d)(12)
Finance / Payroll	FIN-45	W-4's	P		P			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> Department preference; IRS Regulation 31-6001-1 four years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. GC §60201; 26 CFR 31.6001-1
<b>FINANCE / PURCHASING</b>										
Finance / Purchasing	FIN-46	Purchase Orders	2 years	5 years	7 years	Yes: Before Completion	Mag, <u>Mfr</u> , OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> <u>After 1-year</u>	No services that require errors and omissions are purchased through Purchase Orders; CCP §337 et seq.; GC §60201 et seq.
Finance / Purchasing	FIN-47	Resource Books/Catalogs	When No Longer Required		When No Longer Required		Ppr / MG			Non-records used for reference; GC § 60201

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(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
<b>ADMINISTRATION / GENERAL MANAGER</b>										
GM / District Secretary	GM-01	Affidavits of Postings and Publications / Legal Publication Notices / Public Hearing Notices	P		P		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Brown Act challenges must be filed within 30 or 90 days of action; GC §§60201, 54960.1(c)(1)
GM / General Manager	GM-02	Association Records (external associations - e.g., ACSA, CASA, etc.)	When No Longer Required		When No Longer Required		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Non-records; GC §60201 et seq.
GM / District Secretary	GM-03	Awards	2 years		2 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department preference; GC §60201
GM / General Manager	GM-04	Chron Files: Board Member and President Chair Correspondence	2 years		2 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department preference; GC §60201
GM / General Manager	GM-05	Department of Fair Employment & Housing (DFEH or EEOC) Claims that are resolved administratively	Final Disposition + 5 years		Final Disposition + 5 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Consistent with other claim retentions (District Counsel handles cases that are not resolved administratively); All State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; GC §§12946, <u>12960</u> , 60201
GM / General Manager	GM-06	General Manager's Reports from Departments and Board Letters	2 years		2 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Administrative value to cover terms of office; GC §60201
<a href="#">Public Information</a> <a href="#">Community Outreach</a>	GM-07	Lobbyist Registration, Lobbying Firm Activity Authorization, and Reporting (FPPC Form 602 / 635)	2 years	5 years	7 years		Mag, <u>Mfr</u> , <u>OD</u> , Ppr	S /	Yes	2 CCR 18615(d), GC §81009(e) and (g)

**RECORDS RETENTION SCHEDULE: GENERAL MANAGER and DISTRICT SECRETARY**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?		
(OFR)											
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>											
GM / General Manager	GM-09	Organizational / Reorganization Charts and Final Documents (Changes approved by the Board of Directors)	P		P			Mag, Mfr, OD, Ppr	S	No	GC §60201(D)(1)
GM / General Manager	GM-10	Projects & Issues (Issues and/or projects will vary over time)	When No Longer Required		When No Longer Required	Yes: While Active Issues		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	GC §60201



**RECORDS RETENTION SCHEDULE: GENERAL MANAGER and DISTRICT SECRETARY**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
<b>DISTRICT SECRETARY</b>										
GM / District Secretary	GM-11	Agenda Packets / Board Dockets / Board Actions - District Board of Directors, Subcommittees of the Board (Includes Agenda Staff Reports, Annotated Agendas, etc.)	2 years	P	P	Yes: Before Meeting Date	Mag, Mfr, OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> After 2- years	Department preference; GC §60201
GM / District Secretary	GM-38	Agenda Packets / Integrated Finance Corp. (IFC) Agenda packets (includes Agenda, Staff Reports, Annotated Agenda's etc.)	2 years	P	P	Yes: Before Meeting Date	Mag, Mfr, OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> After 2- years	Department preference; GC §60201
GM / District Secretary	GM-12	Annexations / Detachments	P		P		Mag, Mfr, OD, Ppr	S / I	No	GC § 60201
Treasury/ Invest & Cash Mgmt	GM-13	Annual Report from Bond Counsel	10 years		10 years		Mag, Mfr, OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> After 1- year	Department preference; GC §60200
GM / District Secretary	GM-14	Bonds / Certificates of Participation (issued by the District)	Cancellat., Redemption or Maturity + 2 years	8 years	Cancellat., Redemption or Maturity + 10 years	Yes: Until Maturity	Mag, Mfr, OD, Ppr	S / I	No	Statute of Limitations for bonds or coupons is 10 years; There are specific requirements for disposal of unused bonds; CCP 337.5(2); GC §60201
GM / District Secretary or Human Resources	GM-15	Claims & Litigation	Final Disposition	7 years	Final Disposition + 7-years	Yes: Until Final Disposition	Mag, Mfr, OD, Ppr	S / M / I	Yes: <u>After QC &amp; OD</u> After Final Disposition	Department Preference; Statute of Limitations for most contracts is 4 years; wrongful death for construction is completion + 5 years; CCP §§ 337 et seq.; GC §§ 911.2, 60201
GM / District Secretary	GM-16	Conflict of Interest Code	P		P		Mag, Mfr, OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> No	GC §60201

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
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GM / District Secretary	GM-17	Deeds, Easements, Conveyances, Condemnations and Property records (property acquisition files, including variances, title insurance and orders of condemnations, conservation easements, etc.)	P		P	Yes (all)	Mag, Mfr, OD, Ppr	S / I	No	GC §60201(d)(8)
GM / District Secretary	GM-18	District Formation, Mergers, Boundary Changes, Organization or Reorganizations Approved by the Board	P		P		Mag, Ppr, OD	S / I	Yes: <a href="#">After QC &amp; OD</a>	Part of the Agenda Packet, which is maintained permanently; Required for formal changes to the district approved by the Board only; GC §60201
GM / District Secretary	GM-19	District Seal, Logo	P		P		Mag, Ppr, OD	S / I	Yes: <a href="#">After QC &amp; OD</a>	Department preference (historical purposes); GC §60201
GM / District Secretary	GM-20	FPPC 700 Series Forms (Statement of Economic Interests): <b>DESIGNATED EMPLOYEES &amp; CONSULTANTS</b> (specified in the District's Conflict of Interest code) <a href="#">includes Conflict of Interest Statement</a>	7 years		7 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After 2 years</a>	District maintains original statements; GC §81009(e)(g)
GM / District Secretary	GM-21	FPPC 700 Series Forms (Statement of Economic Interests): <b>PUBLIC OFFICIALS</b> (elected & not elected. Includes District Board Members, General Manager)	7 years		7 years		Mag, Mfr, OD, Ppr	S / I	Yes: After 2 years	Department preference; District maintains copies only; original statements are filed with FPPC; GC §81009(f)(g)

## RECORDS RETENTION SCHEDULE: GENERAL MANAGER and DISTRICT SECRETARY

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
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GM / District Secretary	GM-32	FPPC Form 801 (Gift to Agency Report)	7 years		7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After 2 years</u>	Must post on website; GC §81009(e)&(g)
GM / District Secretary	GM-33	FPPC Form 802 (Tickets Provided by Agency Report)	7 years		7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After 2 years</u>	Must post on website for 4 years; GC §81009€&(g)
GM / District Secretary	GM-34	FPPC Form 803 (Behested Payment Report)	7 years		7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After 2 years</u>	GC §81009(e)&(g)
GM / District Secretary	GM-35	FPPC Form 804 (Agency Report of New Positions)	7 years	P	P		Mag, <del>Mfr</del> , OD, Ppr	<u>S / I</u>	Yes: After 2 years	Must be retained same period of time as the Conflict of Interest Code, which is adopted by Resolution; 2 CCR 18734(c)
GM / District Secretary	GM-36	FPPC Form 805 (Agency Report of Consultants)	7 years	P	P		Mag, <del>Mfr</del> , OD, Ppr	<u>S / I</u>	Yes: After 2 years	Must be retained same period of time as the Conflict of Interest Code, which is adopted by Resolution; 2 CCR 18734(c)
GM / District Secretary	GM-37	FPPC Form 806 (Agency Report of Public Official Appointments)	7 years		7 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After 2 years</u>	Must post on website; 2 CCR 18702.5(b)(3); GC §81009e&(g)
GM / District Secretary	GM-22	Historical Records	P		P		Mag, Mfr, OD, Ppr	<u>S / I</u>	No	District Secretary Determines Historical Significance; GC §60201
GM / District Secretary	GM-23	Legal Opinions	P		P		Mag, <del>Mfr</del> , OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> No	Department Preference; GC §60201
GM / District Secretary	GM-24	Local Area Formation Commission (LAFCO)	5 years		5 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; GC §60201

**RECORDS RETENTION SCHEDULE: GENERAL MANAGER and DISTRICT SECRETARY**

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GM / District Secretary	GM-25	Minutes: District Board of Directors and Subcommittees (Board of Directors)	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S // I	No	GC §60201(d)(3)
GM / District Secretary	GM-39	Minutes: IFC - Integrated Financing Corporation	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S // I	No	GC §60201(d)(3)
GM / District Secretary	GM-26	Ordinances (Board of Directors)	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S // I	No	GC §60201 et. seq.
GM / District Secretary	GM-40	Ordinances: IFC - Integrated Financing Corporation	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S // I	No	GC §60201(d)(3)
GM / District Secretary	GM-30	Public Records Act Requests	3 years		3 years		Mag, Ppr, OD	S // I	Yes: <u>After QC &amp; OD</u>	District preference; CCP §338; GC §60201(d)(5)
GM / District Secretary	GM-27	Resolutions (Board of Directors);	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S // I	No	GC §60201 et. seq.
GM / District Secretary	GM-41	Resolutions IFC - Integrated Financing Corporation	2 years	P	P	Yes (all)	Mag, Mfr, OD, Ppr	S // I	No	GC §60201(d)(3)

**RECORDS RETENTION SCHEDULE: GENERAL MANAGER and DISTRICT SECRETARY**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
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<a href="#">GM / District Secretary</a>	<a href="#">GM-28.1</a>	<a href="#">Statement of Facts / Registry of Public Agencies (Required of all Public Agencies whenever the Chair changes)</a>	<a href="#">3 years</a>		<a href="#">3 years</a>			<a href="#">Mag. Ppr, OD</a>	<a href="#">S / I</a>	Yes: <a href="#">After QC &amp; OD</a> <a href="#">Department preference: A statute creates the obligation to file original and updated statements of facts with the California Secretary of State. (Gov. Code, §53051). We recommend retaining a copy of each statement for at least three years after the statement is filed. This corresponds to the statute of limitation for actions based on a statutory violation. (See Code Civ. Proc., §343) GC §60201 et. seq.</a>
GM / District Secretary	GM-28	Subpoenas	5 years		5 years			Mag, Ppr, <a href="#">OD</a>	<a href="#">S / I</a>	Yes: <a href="#">After QC &amp; OD</a> District preference; CCP§ 583.310; GC §60201
GM / District Secretary	GM-29	Tapes & Recordings (Audio) District Board meetings	60 days, or After Minutes are Approved, whichever is longer		60 days, or After Minutes are Approved, whichever is longer			Tape (Mag), OD		Department Preference; legally required for 30 days (or adoption of the minutes); GC §54953.5(b)

## RECORDS RETENTION SCHEDULE: HOUSEHOLD HAZARDOUS WASTE

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
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<b>HOUSEHOLD HAZARDOUS WASTE</b>										
Household Hazardous Waste	HHW-01	Annual Report	5 years	P	P		Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference; GC §60201
Household Hazardous Waste	HHW-02	Commercial Haulers / Solid Waste: Administration Files / Tonnage Reports	10 years		10 years	Yes: Before Completion	Mag, <del>Mfr</del> , OD, Ppr	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a> ( <del>Upon Completion</del> )	Covers E&O Statute of Limitations (insurance certificates are filed with agreement); Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §§336(a), 337 et. seq., 14 CCR 18812.4; GC §60201
Household Hazardous Waste	HHW-03	Daily Inspection Forms - Spills, oil, etc) (Completed by a contractor)	5 years		5 years		Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference; GC §60201 et seq.
Household Hazardous Waste	HHW-04	Disposal Receipts / Manifests from HHW Program -- <b>Hazardous Waste / Certificates of Disposal / Waste Generation Reports</b>	5 years	P	P		Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference (test results for hazardous waste generators are required for 3 years); 40 CFR 262.40, 8 CCR 3204(d)(1)(A), 22 CCR 66262.40
Household Hazardous Waste	HHW-05	HHW Customer Registration Forms	3 years		3 years		Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a>	22 CCR 66266.130(c)(5), H&S §25250.18(b), 25250.19(a)(3) et seq.
Household Hazardous Waste	HHW-06	Notification of Events	10 years		10 years		Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference; GC §60201 et seq.

**RECORDS RETENTION SCHEDULE: HOUSEHOLD HAZARDOUS WASTE**

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Household Hazardous Waste	HHW-07	Small Business Participant Registration	Termination of Participation	10 years	Termination of Participation + 10 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; GC §60201 et seq.
Household Hazardous Waste	HHW-08	State Operating Permit	5 years	P	P			Mag, <del>Mfr</del> , OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> <del>5-years</del>	Department Preference; GC §60201 et seq.

**RECORDS RETENTION SCHEDULE: HUMAN RESOURCES**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
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<b>HUMAN RESOURCES</b>										
Human Resources	HR-01	Applications for Employment or Resumes / Recruitment Files: <b>Solicited:</b> Brochure, advertisement, unsuccessful applications (with or without interviews), selection materials, interview notes, results, Employment Eligibility Verification, etc.	3 years		3 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> EEOC / FLSA / ADEA (Age) statute of limitations is 1-3 years; State Law requires 2 years; Reports & Data used to compile EEO reports are required for 3 years; 29 CFR 1602 et seq & 1627.3(a)(5) and (6), 2 CCR 11013((c); 8 CCR §11040.7( c), 29 CFR 1627.3, GC §§12946, <u>12960_60201</u>
Human Resources	HR-02	Applications for Employment or Resumes: <b>Unsolicited (no open position)</b> , candidates not hired	3 years		3 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> Department preference; No positions open; therefore not deemed part of District recruitment practices; considered a transitory record not materially impacting the conduct of the public's business; GC §60201
Human Resources	HR-17	Benefits Enrollment Forms (Completed) / Plan Enrollment Forms	Completion + 10 years		Completion + 10 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> Department preference; GC §§12946, <u>12960_60201</u>
Human Resources	HR-03	Billing: COBRA and Retiree Medical	Termination of Service + 7 years		Termination of Service + 7 years	Yes: During Service		Mag, OD, <del>Mfr</del> , Ppr	S / I	Yes: <u>After QC &amp; OD</u> <del>4-year</del> Retained to cover auditing standards; General rule under ERISA (Employee Retirement Income Security Act) is 7 years; 29 CFR 1627.3(b)(2); 29 USC 1027; GC §60201



## RECORDS RETENTION SCHEDULE: HUMAN RESOURCES

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Human Resources	HR-04	Cal-OSHA Log 200, Log 300, 301, 301A, etc.	7 years		7 years			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Calif. Labor Division is required to keep their records 7 years; OSHA requires 5 years; State law requires 2 years; 8 CCR §3203(b)(1), 29 CFR 1904.33, OMB 1220-0029, 8 CCR 14300.33; GC §60201 et seq.; LC §6429c
GM / District Secretary or Human Resources	HR-18	Claims & Litigation / Lawsuits	Final Disposition	7 years	Final Disposition + 7 years	Yes: Until Final Disposition		Mag, Mfr, OD, Ppr	S / M / I	Yes: <u>After QC &amp; OD</u> <del>Final Disposition</del>	Department Preference; Statute of Limitations for most contracts is 4 years; wrongful death for construction is completion + 5 years; CCP §§ 337 et seq.; GC §§ 911.2, 60201
Human Resources	HR-21	Claim Reports (Carl Warren)	5 years		5 years			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; GC §60201
Human Resources	HR-05	Classification and Compensation Studies / Surveys	When No Longer Required		When No Longer Required			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; GC §60201
<u>Human Resources</u>	<u>HR-24</u>	<u>COVID-19 Notifications to Employees</u>	<u>3 years</u>		<u>3 years</u>			<u>Mag, Ppr, OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	<u>LC §6409.6(k), GC §34090</u>
Human Resources	HR-22	Department of Fair Employment & Housing (DFEH or EEOC) Claims that are resolved administratively	Final Disposition + 5 years		Final Disposition + 5 years			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	All State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; 2 CCR 11013(c); GC §§12946, <u>12960</u> , 60201

## RECORDS RETENTION SCHEDULE: HUMAN RESOURCES

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Human Resources	HR-06	DMV Pull Notices (retained in binder)	When Superseded or Upon Separation		When Superseded or Upon Separation			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	District preference (DMV record that the District considers a non-record used for reference); DMV audits every 2 years; Bureau of National Affairs recommends 2 years for all supplementary Personnel records; GC §60201
Human Resources	HR-07	Drug and Alcohol Testing / D.O.T files (ALL Files - Random, Post-Accident & Reasonable Suspicion Tests, refusals, annual summaries, etc.)	2 years	3 years	5 years			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	D.O.T. Requires 5 years for positive tests, refusals, annual summaries, etc, 1 year for negative tests; EEOC / FLSA / ADEA (Age) requires 3 years physical examinations; State Law requires 2 years; 29 CFR 1627.3(b)(1)(v), GC §§12946, <u>12960</u> , 60201; 49 CFR 655.71 et seq.; 49 CFR 382.401 et seq. 49 CFR 653.71
Human Resources	HR-23	Ethics Training Certificates / Harassment Prevention Training Certificates	5 years		5 years			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	GC §§53235.2(b), 53237.2(b)

## RECORDS RETENTION SCHEDULE: HUMAN RESOURCES

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Human Resources	HR-08	Grievances	Final Disposition	7 years	Final Disposition + 7 years	Yes: Before Disposition	Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>No</del>	Department preference; If a grievance pertains to MOU interpretation, it is memorialized in a Side letter and maintained with the MOU or negotiation binder; All State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; 29 CFR 1602.31 & 1627.3(b)(1); GC §§12946, <a href="#">12960</a> , 60201
Human Resources	HR-19	I-9s	Date of Hire + 3 years, or Separation + 1 year, whichever is later		Date of Hire + 3 years, or Separation + 1 year, whichever is later		Mag, Ppr, <a href="#">OD</a>	<a href="#">S/I</a>	Yes: <a href="#">After QC &amp; OD</a>	Required 1 year from termination or 3 years from hiring, whichever is later; EEOC / FLSA / ADEA (Age) requires 3 years for "any other forms of employment inquiry"; State Law requires 2 -3 years; INA 274A(b)(3); INS Rule 274a.1(b)(2); 8 CFR 274a.2; 29 CFR 1627.3(b)(1); GC §§12946, <a href="#">12960</a> , 60201
Human Resources	HR-09	Insurance Policy Files - ALL (Property, Liability, Benefits: Deferred Compensation, Health, Eye, Dental, Life Insurance, Workers Compensation, etc) Includes Policies	Plan Termination	P	P	Yes: Before Expiration	Mag, Mfr, OD, Ppr	S	Yes: <a href="#">After QC &amp; OD</a> <del>No</del>	Department preference to be consistent with District-wide standards; EEOC / ADEA (Age) requires 1 year after benefit plan termination; Federal law requires 6 years after filing date; State Law requires 2 years after action; 29 CFR 1627.3(b)(2); 29 USC 1027; GC §§12946, <a href="#">12960</a> , 60201

## RECORDS RETENTION SCHEDULE: HUMAN RESOURCES

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
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Human Resources	HR-10	Job Descriptions (on-line)	While Current	P	P	Yes: Before Superseded	Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; EEOC / FLSA / ADEA (Age) requires 1-3 years; State Law requires 2 - 3 years; 29 CFR 1602 et seq & 1627.3(a)(5) and (6), 8 CCR §11040.7( c), GC §§12946, <u>12960</u> , 60201
Human Resources	HR-11	Negotiation Binders	25 years		25 years		Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	Department preference for use in interpreting provisions of MOUs; GC §60201
Human Resources	HR-12	Personnel Files (Includes Application, Awards, Disaster Workers Oaths, DMV Reports, Disciplinary Actions, Certifications, Commendations, Employment Verifications, Evaluations, Licenses, Personnel Action Forms, Policy acknowledgements, Waiver of responsibility for voluntary activities, etc. - Excludes Medical Records)	Separation + 10 years		Separation + 10 years	Yes: Until Separation	Mag, Mfr, OD, Ppr	S	Yes: <u>After QC &amp; OD</u> <del>After-Separation</del>	Department Preference; Retirement benefits is 6 years from last action; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 29 CFR 1602.14; 29 CFR 1602.31 & 1627.3(b)(1), GC §§12946, <u>12960</u> , 60201; 29 USC 1113; GC §3105; LC §1198.5
Human Resources	HR-13	Personnel Files ( <b>Medical</b> Records, hazmat exposure records, pulmonary tests, vanpool driver Class B medicals, and backgrounds & fingerprint clearances)	P		P	Yes: Until Separation	Mag, <del>Mfr</del> , OD, Ppr	<u>S/I</u>	Yes: <u>After QC &amp; OD</u> <del>(after-inactive)</del>	Department Preference; Files maintained separately; Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., 8 CCR 5144, 8 CCR 15400.2 29 CFR 1602.14; 29 CFR 1910.1020(d)(1)(i), GC §§12946, <u>12960</u> , 60201
Human Resources	HR-20	Salary Schedules (Approved)	10 years	P	P		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference; GC §§12946, <u>12960</u> , 60201

## RECORDS RETENTION SCHEDULE: HUMAN RESOURCES

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Human Resources	HR-14	Skelly Notices / Process / Hearings	Separation + 3 years		Separation + 3 years	Yes: Until Separation	Mag, Mfr, OD, Ppr	S	Yes: <a href="#">After QC &amp; OD</a> <del>After Separation</del>	Department Preference; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 29 CFR 1602.31 & 1627.3(b)(1), 8 CCR §3204(d)(1) et seq., GC §§12946, <a href="#">12960</a> , 60201; 29 USC 1113
Human Resources	HR-15	Workers Compensation Files - Regular	Final Settlement	P	P		Mag, <del>Mfr</del> , OD, Ppr	<a href="#">S</a> / <a href="#">I</a>	Yes: <a href="#">After QC &amp; OD</a> <del>(after inactive)</del>	Department Preference; Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., 8 CCR 5144, 8 CCR 15400.2 ; GC §§12946, <a href="#">12960</a> , 60201
Human Resources	HR-16	Workers Compensation Files - With Future or Lifetime Medical Awards	Final Settlement	P	P		Mag, <del>Mfr</del> , OD, Ppr	<a href="#">S</a> / <a href="#">I</a>	Yes: <a href="#">After QC &amp; OD</a> <del>(after inactive)</del>	Department Preference; Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., 8 CCR 5144, 8 CCR 15400.2 ; GC §§12946, <a href="#">12960</a> , 60201

**RECORDS RETENTION SCHEDULE: LABORATORY and PRE-TREATMENT**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
<b>LABORATORY / PRETREATMENT</b>										
Laboratory / Pretreat.	LAB-01	Chemical Hygiene Plans	2 years	28 years	30 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Unit preference; Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., 8 CCR 14300.33(a); GC §§12946, 12960, 60201
Laboratory / Pretreat.	LAB-02	Chemical Inventory	2 years	28 years	30 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Unit preference; Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., 8 CCR 14300.33(a); GC §§12946, 12960, 60201
Laboratory / Pretreat.	LAB-03	Environmental Agencies / Regulatory Agencies	When No Longer Required - Minimum 10 years		When No Longer Required - Minimum 10 years		Mag, Ppr, OD	S / I	Yes: After QC & OD	Department Preference; 40 CFR 792.195; GC §60201
Laboratory / Pretreat.	LAB-04	Equipment Calibration	2 years	8 years	10 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	EPA / Good Laboratory Practice Standards for studies relating to health effects, environmental effects, and chemical fate tests require 10 years for Lab records, raw data, master schedule sheets, protocols, quality assurance inspections, training, experience, job descriptions, maintenance and calibration records and reports; 40 CFR 792.195

**RECORDS RETENTION SCHEDULE: LABORATORY and PRE-TREATMENT**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Laboratory / Pretreat.	LAB-05	Hazardous Waste Manifests	5 years	P	P	Yes: Before Resolution	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> (after-inactive)	Department preference; (District has "cradle to grave" liability); only 3 years is mandated; 22 CCR 66262.40; GC §60201
Laboratory / Pretreat.	LAB-14	Industrial User Permit Files (Significant) - SIU Permit - Administration File  (Correspondence, Inspections, Sampling, Lab Data, Cost Recovery, Billing / Payments, Compliance / Enforcement, Non-Compliance / Actions / Responses.)	2 years	8 years	10 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> 5-years	District preference; NPDES Monitoring records required for 3 years; 40 CFR §§122.21, 122.41, , 122.44, 40 CFR 792.195; GC §60201
Laboratory / Pretreat.	LAB-15	Industrial User Permit Files (Significant) - SIU Permit - Permanent File  (BMR Application, Permit, Site Plan, Emergency Spill Prevention Plan)	2 years	P	P		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> 5-years	District preference; NPDES Monitoring records required for 3 years; 40 CFR §§122.21, 122.41, , 122.44, 40 CFR 792.195; GC §60201
Laboratory / Pretreat.	LAB-16	Industrial User Permit Files: Special Discharge Permits (Temporary Discharges)	2 years	P	P		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> 5-years	District preference; NPDES Monitoring records required for 3 years; 40 CFR §§122.21, 122.41, , 122.44, 40 CFR 792.195; GC §60201
Laboratory / Pretreat.	LAB-17	Industrial User Permit Files (Commercial) - All Records	2 years	3 years	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> 5-years	District preference; NPDES Monitoring records required for 3 years; 40 CFR §§122.21, 122.41, , 122.44, 40 CFR 792.195; GC §60201

## RECORDS RETENTION SCHEDULE: LABORATORY and PRE-TREATMENT

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Laboratory / Pretreat.	LAB-07	Laboratory Analysis / Chain of Custody (ALL)	2 years	8 years	10 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> 5-years	EPA / Good Laboratory Practice Standards for studies relating to health effects, environmental effects, and chemical fate tests require 10 years for Lab records, raw data, master schedule sheets, protocols, quality assurance inspections, training, experience, job descriptions, maintenance and calibration records and reports; 40 CFR 792.195
Laboratory / Pretreat.	LAB-08	Laboratory Certification / ELAP	2 years	8 years	10 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> 5-years	District preference (consistent with EPA Good Laboratory Practices); GC §60201, 40 CFR 792.195
Laboratory / Pretreat.	LAB-09	Laboratory Log Books, Notebooks, Corrective Action Logs, etc.	2 years	8 years	10 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> 5-years	40 CFR 792.195
Laboratory / Pretreat.	LAB-10	Laboratory Testing Procedures	Superseded	10 years	Superseded + 10 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> 5-years	40 CFR 792.195
Laboratory / Pretreat.	LAB-11	Manuals - Operation and Maintenance for various equipment	Life of Equipment		Life of Equipment		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> No	Administrative value; GC §60201
Operations	LAB-12	NPDES Monitoring Reports	Copies - 2 years		Copies - 2 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> 5-years	Department preference (copies - Operations is the OFR; see OP-10); GC §60200



**RECORDS RETENTION SCHEDULE: LABORATORY and PRE-TREATMENT**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?		
(OFR)											
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>											
Laboratory / Pretreat.	LAB-13	Regional Board Pollution Prevention Reports and Audits	When No Longer Required - Minimum 10 years		When No Longer Required - Minimum 10 years			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; 40 CFR 792.195; GC §60201

**RECORDS RETENTION SCHEDULE: MAINTENANCE / FIELD SERVICES**

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?		
(OFR)											
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>											
<b>MAINTENANCE / FIELD SERVICES</b>											
Maint. / Field Services	MNT-01	AQMD Permits	Expiration of Permit + 5 years		Expiration of Permit + 5 years			Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> No	Covers various statute of limitations; CCP §337 et. Seq., 40 CFR 70.6; GC §60201
Maint. / Field Services	MNT-20	Collection System Spill Reports (monthly, inter-office, etc.)	Last Corrective Action + 3 years		Last Corrective Action + 3 years			Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 1 year</del>	3 years is required; 40 CFR 122.41(j)(2)
Maint. / Field Services Or Operations	MNT-03	Customer Issues and Concerns	5 years		5 years	Yes: Before Resolution		Mag, Ppr, <a href="#">OD</a>	S / I	Yes: <a href="#">After QC &amp; OD</a>	Department preference; Statute of Limitations for public official misconduct is discovery of offense + 4 years ; State and Fed laws is until final disposition of formal complaint; State requires 2 years after action; EVC § 1045, GC §§12946, <a href="#">12960</a> , 60201; PC §§801.5, 803(c), VC §2547
Maint. / Field Services	MNT-04	Equipment History / Certifications / Repair Orders (Pumps, Pump Stations, Sewer Lift Stations, etc.)	Upon Disposal of Equipment		Upon Disposal of Equipment			Mag, Ppr, <a href="#">OD</a>	S / I	Yes: <a href="#">After QC &amp; OD</a>	GC §60201
Maint. / Field Services	MNT-05	Equipment Inspection Records	5 years		5 years			Mag, Ppr, <a href="#">OD</a>	S / I	Yes: <a href="#">After QC &amp; OD</a>	Department preference to be consistent with other records; WC §13263.2(b) et seq.; 40 CFR 122.41(j)(2)
Maint. / Field Services	MNT-06	Equipment Repair Orders (Pumps, Pump Stations, Sewer Lift Stations, etc.)	Upon Disposal of Equipment		Upon Disposal of Equipment			Mag, Ppr, <a href="#">OD</a>	S / I	Yes: <a href="#">After QC &amp; OD</a>	GC §60201

## RECORDS RETENTION SCHEDULE: MAINTENANCE / FIELD SERVICES

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Maint. / Field Services	MNT-21	Fixed Gas Detectors / Portable Gas Detectors	4 years		4 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; GC §60201
Maint. / Field Services	MNT-07	Lab Package Disposal Receipts / Hazardous Waste Manifests / Baseline Equipment Readings and Analysis	5 years	P	P		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Consistent with statute of limitations for employee exposure to hazardous materials (test results for hazardous waste generators are required for 3 years); 40 CFR 262.40, 8 CCR 3204(d)(1)(A), 22 CCR 66262.40
Lead Dept.	MNT-08	Operations and Maintenance Manuals	Upon Disposal of Equipment		Upon Disposal of Equipment		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	GC §60201
Maint. / Field Services	MNT-15	Pre-Trip Inspections / Daily Vehicle Inspections	2 years		2 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	13 CCR 1234(c); <u>49 CFR 396.11 et seq.</u> ; GC§60201
Maint. / Field Services	MNT-09	Self-contained Breathing Apparatus (SCBA)	Expiration of Certificate (minimum 2 years)		Expiration of Certificate (minimum 2 years)		Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> <del>After 1 year</del>	Certificates are issued for 3-5 years; GC §60201 et. seq.
Maint. / Field Services	MNT-18	Smog Inspections	3 years		3 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	GC§62010
Maint. / Field Services	MNT-10	Street Sweeping	5 years		5 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference - NPDES records are required for 3 years; 40 CFR §§122.21, 122.41, 122.44

**RECORDS RETENTION SCHEDULE: MAINTENANCE / FIELD SERVICES**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Maint. / Field Services	MNT-16	Underground Service Alerts (USAs) / <a href="#">Dig Alerts</a> , Utility Cuts, etc.	3 years		3 years		Mag, Ppr, <a href="#">OD</a>	<a href="#">S / I</a>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference (required for 3 years); GC §§4216.2(f) & 4216.3(d), 60201
Maint. / Field Services	MNT-17	Vehicle Maintenance History	Life of Equipment or Vehicle + 2 years		Life of Equipment or Vehicle + 2 years		Mag, Ppr, <a href="#">OD</a>	<a href="#">S / I</a>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference to cover all statute of limitations; If a motor carrier, required for 18 months after vehicle is sold; -CHP requires life of vehicle; OSHA requires 1 year; 8 CCR § 3203(b)(1); 49 CFR 396.21(b)(1); 49 CFR 396.3(c); CCP §337 et. seq., 13 CCR 1234(f); GC §60201
Maint. / Field Services	MNT-14	Work Schedules / Assignment Sheets	5 years		5 years		Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 1 year</del>	NPDES Permits require work schedules be retained for 5 years; EEOC's basic requirement is 1 year after action; Bureau of National Affairs recommends 2 years for work schedules; 29 CFR 516.6(1), 29 CFR 1602.14, GC § 60201

**RECORDS RETENTION SCHEDULE: MAINTENANCE / FIELD SERVICES**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
<b>MAINTENANCE / COLLECTIONS</b>										
Maint. / Collections	MNT-22	CCTV Collection Line Inspection Tapes / Video Inspections / Video Tapes or Digital Recordings - <b>Regular Inspections</b>	10 years		10 years			Mag		Department Preference (5 year cycles for re-taping); GC §60201 et seq.
Maint. / Collections	MNT-23	Sanitary Sewer Overflows (SSOs)	10 years		10 years			Mag, Ppr, <u>OD</u>	<u>S / I</u>	Department preference; Required for a minimum of 5 years; 40 CFR 122.41(j)(2); SWRCB Order 2006-03; 40 CFR 122.41(j)(2); GC §60201
Maint. / Collections	MNT-24	Sewer System Management Plans (SSMP) and Audits; Sanitary Spills Overflow Prevention Plan (SSOPP) and Sanitary Sewer Overflow Response Plan	Superseded + 5 years		Superseded + 5 years			Mag, <del>Mfr</del> , OD, Ppr	S / I	Department preference; SSOs are required for a minimum of 5 years; 40 CFR 122.41(j)(2); SWRCB Order 2006-03; 40 CFR 122.41(j)(2); GC §60201

**RECORDS RETENTION SCHEDULE: OPERATIONS**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
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<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
<b>OPERATIONS</b>										
Operations	OP-01	Biosolids Reports - Monthly, Quarterly, Annual	5 years		5 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> After 1-year	Department preference; Consistent sewage sludge requirements; WC §13263.2(b) et seq.; 40 CFR 122.41(j)(2)
Operations	OP-21	Centrifuge Logs	5 years		5 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> After 1-year	Department preference; Consistent sewage sludge requirements; WC §13263.2(b) et seq.; 40 CFR 122.41(j)(2)
Operations	OP-06	Checklists & Daily Plant Reading / Gas Usage / Inspections / Daily Plant Operations Checklists / Reports / Round sheets / Check sheets	5 years		5 years		Mag, Ppr, <u>OD</u>	S / I	Yes: <a href="#">After QC &amp; OD</a>	Department preference to be consistent with other records; 40 CFR 122.41(j)(2)
Operations	OP-02	Chemical Usage Logs & Reports / Bills of Lading / Diesel Fuel Logs	5 years		5 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> After 1-year	Department preference (Attached to invoices); GC §60201
Lead Dept.	OP-04	Correspondence - <b>Regulatory Agencies</b>	When No Longer Required - <b>Minimum 10 years</b>		When No Longer Required - <b>Minimum 10 years</b>	Yes: While Active Issues	Mag, Ppr, <u>OD</u>	S / I	Yes: <a href="#">After QC &amp; OD</a>	Department preference; Some correspondence from Regulatory Agencies need to be retained for long periods of time; GC §60201

## RECORDS RETENTION SCHEDULE: OPERATIONS

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
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<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Maint. Or Operations	OP-05	Customer Issues and Concerns	5 years		5 years	Yes: Before Resolution	Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department preference; Statute of Limitations for public official misconduct is discovery of offense + 4 years ; State and Fed laws is until final disposition of formal complaint; State requires 2 years after action; EVC § 1045, GC §§12946, <u>12960</u> , 60201; PC §§801.5, 803(c), VC §2547
Lead Dept.	OP-08	Engine Generator Logs / Generator Operation Logs (for fixed / stationary generators)	5 years		5 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	AQMD Rule 1470; GC §60201
Lead Dept.	OP-28	Engine Generator Logs / Generator Operation Logs / <u>Generator Hour Logs</u> (for portable / Emergency generators)	5 years		5 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	AQMD Rule 1470; Form 400-E-13a instructions, GC §60201
Operations	OP-22	Logbook - COP, DEWAT, RWF, ETC. (Regional Board) Lift Station (LS)	5 years		5 years		Mag, <del>Mfr</del> , OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> <del>After 1-year</del>	Department preference; Consistent sewage sludge requirements; WC §13263.2(b) et seq.; 40 CFR 122.41(j)(2)
	OP-09	MSDS - see District-wide								
Operations	OP-10	NPDES Monitoring Reports	5 years	5 years	10 years		Mag, <del>Mfr</del> , OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> <del>After 5-years</del>	Department preference (often, permits are not renewed in a timely manner); Monitoring records required for 3 years; 40 CFR §§122.21, 122.41, 122.44
Lead Dept.	OP-11	Operations and Maintenance Manuals	Upon Disposal of Equipment		Upon Disposal of Equipment		Mag, Ppr			GC §60201

## RECORDS RETENTION SCHEDULE: OPERATIONS

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Operations	OP-12	Process Control Documents / SOPs - Standard Operating Procedures (On line)	Superseded + 5 years		Superseded + 5 years		Mag, Mfr, OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> After 1-year	Department Preference to cover the period of time applicable records are retained; 40 CFR 122.41(j)(2); WC §13263.2(b) et seq
Operations	OP-26	Recycled Water Facility Technical Advisory Committee (TAC) - Agendas / Agenda Packets, Correspondence, etc.	P		P		Mag, Mfr, OD, Ppr	S / I	Yes: 6 mos.	Department preference; GC §60200
Operations	OP-27	Recycled Water Facility Technical Advisory Committee (TAC) - Minutes	P		P		Mag, Mfr, OD, Ppr	S / I	Yes: 6 mos.	Department preference; GC §60200
Operations	OP-13	Reports, Charts, Flow Charts, Dissolved Oxygen, NPDES Monitoring, Samples, Studies & Testing (Annual / monthly / daily: Biosolids, calibration, compliance, flow data, meter readings, maintenance, odor surveys, tests, totalizer sheets, strip chart recordings - folding, roll, etc.)	5 years		5 years		Mag, Mfr, OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> After 1-year	Department Preference to be consistent with sewage sludge; 40 CFR 122.41(j)(2); WC §13263.2(b) et seq
Operations	OP-14	SCADA: Supervisory Control and Data Acquisition	Indefinite		Indefinite		Mag			Data is interrelated; system qualifies as a "trusted system"; GC §§60201, 12168.7
Operations	OP-15	Sewage Sludge Handling Logs and Weigh Tickets / Reading & Sludge Logs	5 years		5 years		Mag, Mfr, OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> After 1-year	40 CFR 122.41(j)(2); GC §60200



## RECORDS RETENTION SCHEDULE: OPERATIONS

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>										
Operations	OP-23	Source Control / FOG (Fats, Oil and Grease) - Cases	Resolution + 3 years		Resolution + 3 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>6 mos.</del>	Department preference; NPDES Monitoring records required for 3 years; GC §60201
Operations	OP-24	Source Control / FOG (Fats, Oil and Grease) - Program	5 years		5 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>6 mos.</del>	Department preference; NPDES Monitoring records required for 3 years; POTW records of monitoring activities and results will be maintained for the longer of five years, the end of related litigation, or a retention period directed by the EPA Director or Regional Administrator. 40 CFR 403.12(o)(2); GC §60201
Operations	OP-16	State Water Regional Board Log Books / Equipment Hour Readings / Hour Readings with Checklist	5 years		5 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 5-years</del>	Department Preference - NPDES records are required for 3-5 years; 40 CFR §§122.21, 122.41, 122.44
Operations	OP-17	Unauthorized Discharges / Violations	Regional Board Resolution + 3 years		Regional Board Resolution + 3 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 5-years</del>	NPDES records are required for 3 years; 40 CFR §§122.21, 122.41, 122.44
Operations	OP-18	Weigh Tags for Hauling / Grit Screening ./ Septage Hauling & Discharge Manifests / Reports	5 years		5 years		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> <del>After 1-year</del>	Department Preference; 40 CFR 122.41(j)(2); WC §13263.2(b) et seq.; GC §60201

**RECORDS RETENTION SCHEDULE: OPERATIONS**

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference		
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?	
(OFR)											
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion)</i>											
Operations	OP-19	Work Schedules / Turnover Logs	5 years		5 years			Mag, Mfr, OD, Ppr	S / I	Yes: <u>After QC &amp; OD</u> <del>After 1-year</del>	NPDES Permits require work schedules be retained for 5 years; EEOC's basic requirement is 1 year after action; Bureau of National Affairs recommends 2 years for work schedules; 29 CFR 516.6(1), 29 CFR 1602.14, GC § 60201

## RECORDS RETENTION SCHEDULE: PUBLIC INFORMATION

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
<b>PUBLIC INFORMATION</b>										
Public Information	PI-01	Legislation (Proposed / Background): County, State or Federal Governments	2 years		2 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	GC §60201
Public Information	PI-02	News Clippings	5 years		5 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Non-records
Public Information	PI-03	Newsletters - Customers & Employees (billing inserts, etc.)	10 years	P	P		Mag, Mfr, OD, Ppr	<u>S / I</u>	Yes: <u>After QC &amp; OD</u> <u>After 1 year</u>	Department preference for historical purposes; GC §60201
Public Information	PI-04	Organizations, Cities	10 years		10 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Drafts; final photos may become part of a final document; GC §60201
Public Information	PI-05	Photos & Slides / Photo / Video Release Authorizations	10 years		10 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Drafts; final photos may become part of a final document; GC §60201
Public Information	PI-06	Press Releases / Public Information Correspondence	10 years		10 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; GC §60201
Public Information	PI-07	Resource File / Surveys	5 years		5 years	Yes: While Active Issues	Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; GC §60201
Public Information	PI-08	Special Projects & Issues (Issues and/or projects will vary over time - e.g. Student Education Program, Safety Fairs, etc.)	10 years		10 years	Yes: While Active Issues	Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; GC §60201
Public Information	PI-09	Videos: Internal & External / Consultant	5 years		5 years		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Department preference; Some are Non-records; GC §60201
Public Information	PI-10	Website Updates	When No Longer Required		When No Longer Required		Mag, Ppr, <u>OD</u>	<u>S / I</u>	Yes: <u>After QC &amp; OD</u>	Drafts; final photos may become part of a final document; GC §60201

## RECORDS RETENTION SCHEDULE: RECORDS MANAGEMENT and INFORMATION TECHNOLOGY

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
<b>RECORDS MANAGEMENT</b>										
Records Mgmt.	RM-01	Agreements & Contracts - <b>INFRASTRUCTURE - Architectural, Engineering, JPAs, MOUs and MOAs.</b> Agreement or Contract, Insurance Certificates & Notices of Completion. Agreement or Contract includes all contractual obligations (e.g. RFP, Specifications, Successful Proposal / Scope of Work, and amendments)	Completion	P	P	Yes: Before Completion	Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> ( <del>after-inactive</del> )	Department Preference; All infrastructure, JPAs, & Mutual Aid contracts are permanent for emergency preparedness; Statute of Limitations is 4 years; 10 years for Errors & Omissions; CCP §§337. 337.1(a), 337.15, 343; GC §60201 et seq.
Records Mgmt.	RM-02	Agreements & Contracts - <b>NON INFRASTRUCTURE - Equipment Purchases, Consulting Services, Leases, Vehicle Purchases, etc.</b> Agreement or Contract, Insurance Certificates & Notices of Completion. Agreement or Contract includes all contractual obligations (e.g. RFP, Specifications, Successful Proposal / Scope of Work, and Amendments, Warrantees)	Completion	10 years	Completion + 10 years	Yes: Before Completion	Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> ( <del>after-inactive</del> )	Department Preference; Covers E&O Statute of Limitations; Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §337 et. seq., GC §60201 et seq.
Records Mgmt.	RM-03	File Indexes, Lists, Locations, File Management Database		Indefinite	Indefinite	Yes	Mag, Ppr, <del>OD</del>	S / I	Yes: <a href="#">After QC &amp; OD</a>	Data is interrelated; GC §§60201, 12168.7
Records Mgmt.	RM-08	Historically Significant Documents		P	P	Yes	Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> ( <del>after-inactive</del> )	Department Preference; GC §60201 et seq.
Records Mgmt.	RM-09	Library: Reports, Studies, Environmental, Feasibility, Master Plans, Drawings, CEQA, etc.		P	P	Yes	Mag, <del>Mfr</del> , OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> ( <del>after-inactive</del> )	Department Preference; GC §60201 et seq.

## RECORDS RETENTION SCHEDULE: RECORDS MANAGEMENT and INFORMATION TECHNOLOGY

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Records Mgmt.	RM-04	Property Records: Annexations, Deeds, Easements, Rights of Ways, Title Reports		P	P	Yes	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> (after-inactive)	Department Preference; GC §60201 et seq.
Records Mgmt.	RM-05	Records Destruction Lists		P	P		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> (after-2-years)	Department Preference; GC §60201(b)(1)(B)
Records Mgmt.	RM-10	Records Management Audits	10 years		10 years	Yes	Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> (after-2-years)	Department Preference; GC §60201 et seq.
Records Mgmt.	RM-06	Records Retention Schedules	When Superseded	P	P		Mag, Mfr, OD, Ppr	S / I	Yes: <a href="#">After QC &amp; OD</a> (after-2-years)	Department Preference; GC §60201(b)(1)(B)
Records Mgmt.	RM-07	Vehicle Titles ("Pink Slips")	Upon Sale of the Vehicle		Upon Sale of the Vehicle		Ppr			Given to the new owner upon sale of the vehicle; GC §60201 et seq.

## RECORDS RETENTION SCHEDULE: RECORDS MANAGEMENT and INFORMATION TECHNOLOGY

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
<b>INFORMATION TECHNOLOGY</b>										
Information Technology	IT-01	Backups - <b>DAILY</b> - All Servers (Incremental / Transactional)	When No Longer Required		When No Longer Required	Yes	Mag			Considered a copy and can be destroyed when no longer required; retention based on administrative value; recycle tapes; GC §60200 et seq.
Information Technology	IT-02	Backups - <b>MONTHLY</b> - All Servers (Full - excludes e-mail - conducted every Friday)		When No Longer Required	When No Longer Required	Yes	Mag			Store off-site in commercial storage for disaster recovery; Considered a copy and can be destroyed when no longer required; retention based on administrative value; recycle tapes; GC §60200 et seq.
Information Technology	IT-03	Backups - <b>WEEKLY</b> - All Servers		When No Longer Required	When No Longer Required	Yes	Mag			Store off-site in commercial storage for disaster recovery; Considered a copy and can be destroyed when no longer required; retention based on administrative value; recycle tapes; GC §60200 et seq.
Lead Dept.	IT-04	CD-R or DVD-R (images from Document Image Management System)	Follows retention for applicable record series		Follows retention for applicable record series	Yes	OD			Optical media must be stored in a safe & separate location; and should be "refreshed" (copied onto new CD-Rs) periodically; GC §60201 et seq.
Lead Dept.	IT-05	Software Licenses / Software and Hardware Manuals	When Superseded or Replaced		When Superseded or Replaced		Mag, Ppr			Department Preference (Preliminary documents); the Lead Department should print out historical documents prior to replacing the data; GC §60200, 60201 et seq.

## RECORDS RETENTION SCHEDULE: RECORDS MANAGEMENT and INFORMATION TECHNOLOGY

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
Information Technology	IT-06	WORM / DVD-r / CD-r / Blue Ray-R or other <b>unalterable media</b> that does not permit additions, deletions, or changes		P	P			OD		For legal compliance for Trustworthy Electronic Records (when the electronic record serves as the official record); GC 60200, 12168.7, EVC 1550, 2 CCR 22620 et seq..

## RECORDS RETENTION SCHEDULE: SAFETY

Office of Record	Records Series No.	Records Description	Retention / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-site, OD or Mfr)	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan		Destroy Paper after Imaged & QC'd?
(OFR)										
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>										
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>										
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>										
<b>SAFETY</b>										
Safety	SAF-01	Accident Prevention Files (contains safety correspondence)	When No Longer Required		When No Longer Required		Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	Copies; GC §60200
Safety	SAF-02	Cal-OSHA Inspections & Citations	7 years		7 years		Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <u>After QC &amp; OD</u>	Department Preference; Calif. Labor Division is required to keep their records 7 years; OSHA requires 5 years; State law requires 2 years; 8 CCR 14300.33(a); 29 CFR 1904.33, 29 CFR 1904.44; GC §60201 et seq.; LC §6429c
Safety	SAF-10	Confined Space Entries / Hot Work Permits & Logs (Permitted entries into confined spaces such as sewers and storm drains in order to comply with regulations)	2 years		2 years		Mag, <del>Mfr</del> , OD, Ppr	<u>S/I</u>	Yes: <u>After QC &amp; OD</u> ( <del>after 2 years</del> )	8 CCR 5157(d)(14) & (e)(6); 29 CFR 1910.146(e)(6); GC§60201
Safety	SAF-04	Fixed Gas Detectors / Portable Gas Detectors	3 years		3 years		Mag, Mfr, OD, Ppr	S		Department preference; GC §60200
Safety	SAF-03	Investigations: Incidents, Unusual Occurrences or Near Misses	5 years	25 years	30 years		Mag, <del>Mfr</del> , OD, Ppr	<u>S/I</u>	Yes: <u>After QC &amp; OD</u> ( <del>after inactive</del> )	Department preference; GC §60200
Safety	SAF-05	Material Data Safety Sheet (MSDS) / Safety Data Sheets (SDS) Logs / Hazardous Exposures	5 years	25 years	30 years		Mag, <del>Mfr</del> , OD, Ppr	<u>S/I</u>	Yes: <u>After QC &amp; OD</u> ( <del>after inactive</del> )	A record of the chemical / substance / agent, where & when it was used is maintained for 30 years; Applies to qualified employers; 8 CCR 3204(d)(1)(B)(2 and 3) GC §60200



## RECORDS RETENTION SCHEDULE: SAFETY

Office of Record	Records Series No.	Records Description	Retention / Disposition							Comments / Reference	
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(OFR)											
<i>If the record is not listed here, refer to the Retention for District-Wide Standards.</i>											
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>											
<i>HOLDS: Litigation, complaints, claims, pending public records act requests, audits, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>											
Safety	SAF-11	PHA (Process Hazard Analysis) / Process Safety Information	Life of the Process		Life of the Process			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a>	Department Preference (required to be updated and revalidated every 5 years, which are required to be retained for the life of the process); 8 CCR 5189; 19 CCR 2760.2, 29 CFR 1910; GC §60201
Safety	SAF-07	Quarterly Safety Inspections / Correspondence / Logs / Lockout / Tagout	7 years		7 years			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a>	Department preference; GC §60201 et seq.
Safety	SAF-06	Safety Checks / Pre-Starts / Commercial vehicle Prestarts and Forklift Inspections	14 months		14 months			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a>	Department preference; If a motor carrier, required for 3 and 14 months; 49 CFR 396.11(c)(2); 49 CFR 396.21(b)(1); GC §60201
Safety	SAF-08	Safety Committee / Internal Safety Steering Committee / <a href="#">Safety Task Force</a>	7 years		7 years			Mag, Ppr, <u>OD</u>	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a>	Department preference; GC §60201 et seq.
Safety	SAF-09	Safety Training File	Separation + 5 years	5 years	Separation + 10 years			Mag, <del>Mfr</del> , OD, Ppr	<u>S/I</u>	Yes: <a href="#">After QC &amp; OD</a> ( <del>after inactive</del> )	Department Preference; EPA requires 10 years; Statewide guidelines propose 7 years; Calif. Labor Division is required to keep their OSHA records 7 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 29 CFR 1627.3(b)(1), 40 CFR 792.195; 8 CCR §3204(d)(1) et seq., GC §§12946, <a href="#">12960</a> , 60201

September 8, 2021

AUTHORIZE GENERAL MANAGER TO TRANSFER MONIES TO BRIDGEHEAD PIPELINE REPLACEMENT PROJECT FROM EMERGENCY RETENTION BASIN IMPROVEMENTS PROJECT WITHIN WASTEWATER CAPITAL ASSET REPLACEMENT FUND IN THE AMOUNT OF \$300,000, FOR A TOTAL PROJECT BUDGET OF \$3,800,000; AUTHORIZE GENERAL MANAGER TO EXECUTE CONSULTING SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$280,421, CONSTRUCTION MANAGEMENT SERVICES, PSOMAS; AND AUTHORIZE GENERAL MANAGER TO EXECUTE LICENSE AGREEMENT WITH BNSF RAILWAY COMPANY, PAY LICENSE FEE OF \$14,744, AND LICENSE USE OF PROPERTY FOR 25 YEARS COMMENCING ON SEPTEMBER 8, 2021, BRIDGEHEAD PIPELINE REPLACEMENT, PROJECT NO. 21123

### **Recommendations**

- 1) Authorize the General Manager to transfer monies to the Bridgehead Pipeline Replacement Project from the Emergency Retention Basin Improvements Project within Wastewater Capital Asset Replacement (WW CAR) Fund in the amount of \$300,000, for a total project budget of \$3,800,000.
- 2) Authorize the General Manager to execute Consulting Services Contract with Psomas to provide construction management and inspection services for the project in an amount not to exceed \$280,421.
- 3) Authorize the General Manager to execute License Agreement with BNSF Railway Company (BNSF), pay license fee of \$14,744, and license the use of the property for 25 years commencing on September 8, 2021, in connection with the Bridgehead Pipeline Replacement Project.

### **Background Information**

On August 18, 2021, the Board awarded the Bridgehead Pipeline Replacement Project to Con-Quest Contractors, Inc. to remove and replace a failed 18-inch gravity pipeline suspended on the north side of the Wilbur Avenue overcrossing. In addition, the Board authorized executing a consulting services contract with V.W. Housen & Associates to provide engineering services during construction. Construction activities are anticipated to commence in October 2021 with completion in May 2022.

### **Analysis**

The District originally planned to perform construction management and inspection services with existing staff. However, due to change in staffing resources prior to completion of design, staff determined that an outside consultant is needed to effectively manage and inspect the construction activities.

As part of the August 18, 2021 Board communication, staff indicated that the solicitation process for construction management and inspection services was underway. The District has recently completed that process. Three proposals were received on August 19, 2021. Following a detailed evaluation of the proposals, Psomas was determined to be the most qualified to provide the requested services. Psomas has extensive experience in managing pipeline replacement construction projects and working within the railroad right-of-way, which minimizes “learning curve” issues and enhances effective project administration to support timely project completion.



Staff recommends that the Board authorize executing a consulting services contract with Psomas to provide construction management and inspection services for the project in the amount not to exceed \$280,421 (refer to Attachment 1) along with increasing the total project budget from \$3.5 million to \$3.8 million to account for this added cost due to change in staffing resources.

The original agreement with BNSF did not include a crossing on the north side of Wilbur Avenue overcrossing. Staff identified this oversight during design and worked with BNSF to obtain a new agreement for the proposed 24-inch diameter pipeline. Staff recommends that the Board authorize executing a Pipeline License Agreement (Attachment 2) with BNSF to allow for immediate construction and future maintenance of the permanent pipeline.

The license will have a 25-year term, commencing September 8, 2021. The District will pay BNSF a license fee of \$14,744, and the District will need to reimburse BNSF for certain flagging and safety activities when BNSF personnel are in the field during project construction. The license agreement includes insurance requirements that the District must satisfy, including railroad protective liability insurance, which the District can purchase from BNSF. The license agreement requires the District to indemnify and defend BNSF from and against any liabilities arising, in whole or in part, from the District's occupancy and use of the licensed premises, or as a result of BNSF entering into the license agreement with the District. The District is not obligated to indemnify and defend BNSF from any liabilities caused by the gross negligence or willful misconduct of BNSF, or any of its employees or agents. BNSF can require relocation of the pipeline in the future if the pipeline conflicts with any future use of BNSF's property for railroad purposes. The District would be responsible for paying all relocation costs.

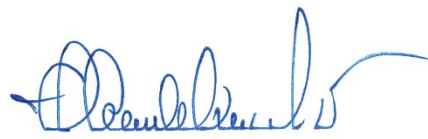
### **Financial Impact**

The recommended budget transfer will increase the project budget from \$3.5 million to \$3.8 million for planned expenditures through Fiscal Year 2021/2022 (FY21/22). Sufficient funding is available from the existing budgeted Emergency Retention Basin Improvements Project within the approved FY21/22-FY25/26 Capital Improvement Program for this recommended action with no associated financial impact on the FY21/22 Budget. A summary of the required transfer and estimated costs is included in Attachment 3.

### **Attachments**

- 1) Psomas Scope and Cost Summary
- 2) BNSF Pipeline License Agreement
- 3) Summary of Required Transfers with WW CAR Fund

Reviewed by: \_\_\_\_\_



Thanh Vo  
Acting Engineering Services Director

cc: District File No. P.21123.01.04



**SCOPE AND COST ESTIMATE SUMMARY**

**Project:** Bridgehead Pipeline Replacement Project  
Delta Diablo Project No. 21123

**Consultant:** Psomas

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<b>Scope of Work Tasks</b>	<b>Estimated Cost</b>
<b>1. Construction Management</b>	
1.1 Construction Manager Services	\$ 95,445
1.2 Construction Inspection	\$ 153,476
1.3 Special Support (e.g., CTS, BACC, etc.)	\$ 31,500
<b>TOTAL CONTRACT AMOUNT</b>	<b>\$ 280,421</b>

## **PIPELINE LICENSE**

THIS PIPELINE LICENSE ("**License**") is made to be effective \_\_\_\_\_, 2021 (the "**Effective Date**") by and between **BNSF RAILWAY COMPANY**, a Delaware corporation ("**Licensor**") and **Delta Diablo**, a California corporation ("**Licensee**").

In consideration of the mutual covenants contained herein, the parties agree to the following:

### **GENERAL**

1. Grant of License. Licensor hereby grants Licensee a non-exclusive license, subject to all rights, interests, and estates of third parties, including, without limitation, any leases, use rights, easements, liens, or other encumbrances, and upon the terms and conditions set forth below, to construct and maintain, in strict accordance with the drawings and specifications approved by Licensor as part of Licensee's application process (the "**Drawings and Specifications**"), One (1) pipeline[s], 25.14 inches in diameter inside a(n) inch casing (collectively, the "**Pipeline**"), across or along Licensor's rail corridor at or near the station of Antioch, County of Contra Costa, State of California, Line Segment 7200, Mile Post 1150.19 as shown on the attached Drawing No. 81480, dated April 21, 2021, attached hereto as **Exhibit "A"** and incorporated herein by reference (the "**Premises**").
2. Term. This License shall commence on the Effective Date and shall continue for a period of twenty-five (25) years, subject to prior termination as hereinafter described.
3. Existing Improvements. Licensee shall not disturb any improvements of Licensor or Licensor's existing lessees, licensees, easement beneficiaries or lien holders, if any, or interfere with the use, repair, maintenance or replacement of such improvements.
4. Use of the Premises. Licensee shall use the Premises solely for construction, maintenance, and use of the Pipeline in accordance with the Drawings and Specifications. The Pipeline shall carry Sanitary Sewer, and Licensee shall not use the Pipeline to carry any other material or use the Premises for any other purpose. Licensee is expressly prohibited from using or allowing any telecommunication facilities or equipment within the Premises, or using or allowing the use of the Premises for any other purpose.
5. Alterations. Except as set forth in this License, Licensee may not make any alterations to the Premises or permanently affix anything to the Premises or any buildings or other structures adjacent to the Premises without Licensor's prior written consent.

### **COMPENSATION**

6. License Fee. Licensee shall pay Licensor, prior to the Effective Date, a one-time payment (in lieu of recurring periodic fixed license fees) in the amount the sum of Fourteen Thousand Seven Hundred Forty Four and No/100 Dollars (\$14,744.00) as compensation for the use of the Premises.
7. Costs and Expenses.
  - 7.1 For the purpose of this License, "cost" or "costs" and "expense" or "expenses" includes, but is not limited to, actual labor and material costs including all assignable additives, and material and supply costs at current value where used.
  - 7.2 Licensee agrees to reimburse Licensor (pursuant to the terms of **Section 8** below) for all costs and expenses incurred by Licensor in connection with Licensee's use of the Premises or the presence, construction and maintenance of the Pipeline, including but not limited to the furnishing of Licensor's flaggers and any vehicle rental costs incurred, inspection coordination, safety, mobilization and/or other observation services described in this License (collectively, the "**Services**"). Licensee shall bear the cost of the Services, when deemed necessary by Licensor's representative. Flagging costs shall include, but not be limited to, the following: pay for at least an eight (8) hour basic day with time and one-half or double time for overtime, rest days and

holidays (as applicable); vacation allowance; paid holidays (as applicable); railway and unemployment insurance; public liability and property damage insurance; health and welfare benefits; transportation; meals; lodging and supervision. Negotiations for railway labor or collective bargaining agreements and rate changes authorized by appropriate Federal authorities may increase flagging rates. Flagging rates in effect at the time of performance by the flaggers will be used to calculate the flagging costs pursuant to this **Section 7**.

- 7.3 Licensors, at its sole discretion, may elect to designate a third party (the "**Scheduling Agent**"), to perform and/or arrange for the performance of the Services.
8. Payment Terms. All invoices are due thirty (30) days after the date of invoice. If Licensee fails to pay any monies due to Licensor within thirty (30) days after the invoice date, then Licensee shall pay interest on such unpaid sum from the due date until paid at an annual rate equal to the lesser of (i) the prime rate last published in *The Wall Street Journal* in the preceding December plus two and one-half percent (2-1/2%), or (ii) the maximum rate permitted by law.

### **LICENSOR'S RESERVED RIGHTS**

9. Reserved Rights of Use. Licensor excepts and reserves the right, to be exercised by Licensor and any other parties who may obtain written permission or authority from Licensor:
- 9.1 to maintain, use, operate, repair, replace, modify and relocate any utility, power or communication pipe/lines/cables and appurtenances (other than the Pipeline) and other facilities or structures of like character upon, over, under or across the Premises existing as of the Effective Date;
- 9.2 to construct, maintain, renew, use, operate, change, modify and relocate any tracks or additional facilities, structures and related appurtenances upon, over, under or across the Premises; or
- 9.3 to use the Premises in any manner as Licensor in its sole discretion deems appropriate, provided Licensor uses all commercially reasonable efforts to avoid material interference with the use of the Premises by Licensee for the purpose specified in **Section 4** above.
10. Right to Require Relocation. If at any time during the term of this License, Licensor desires the use of its rail corridor in such a manner as would, in Licensor's reasonable opinion, be interfered with by the Pipeline, Licensee shall, at its sole expense, within thirty (30) days after receiving written notice from Licensor to such effect, make such changes in the Pipeline as in the sole discretion of Licensor may be necessary to avoid interference with the proposed use of Licensor's rail corridor, including, without limitation, the relocation of the Pipeline, or the construction of a new pipeline to replace the Pipeline. Notwithstanding the foregoing, Licensee agrees to make all emergency changes and minor adjustments, as determined by Licensor in its sole discretion, to the Pipeline promptly upon Licensor's request.

### **LICENSEE'S OPERATIONS**

11. Construction and Maintenance of the Pipeline.
- 11.1 Licensee shall not enter the Premises or commence construction unless accompanied by Licensor's representative, the Scheduling Agent or its designee. Licensee shall notify Licensor's Roadmaster, at telephone matthew.hans@bnsf.com or 559-457-7621, at least ten (10) business days prior to installation of the Pipeline and prior to entering the Premises for any subsequent maintenance thereon. In the event of emergency, Licensee shall notify Licensor of Licensee's entry onto the Premises at the telephone number above as soon as practicable and shall promptly thereafter follow up with written notice of such entry.
- 11.2 Licensee's on-site supervisors shall retain/maintain a fully executed copy of this License at all times while on the Premises.
- 11.3 While on the Premises, Licensee shall use only public roadways to cross from one side of Licensor's tracks to the other.

- 11.4 Any contractors or subcontractors performing work on the Pipeline or entering the Premises on behalf of Licensee shall be deemed servants and agents of Licensee for purposes of this License.
- 11.5 Under no conditions shall Licensee be permitted to conduct any tests, investigations or any other activity using mechanized equipment and/or machinery, or place or store any mechanized equipment, tools or other materials, within twenty-five (25) feet of the centerline of any railroad track on the Premises unless Licensee has obtained prior written approval from Licensor. Licensee shall, at its sole cost and expense, perform all activities on and about the Premises, including without limitation all construction and maintenance of the Pipeline, in such a manner and of such materials as not at any time to endanger or interfere with (i) the existence or use of present or future tracks, roadbeds, or property of Licensor, (ii) the safe operation and activities of Licensor or existing third parties, or (iii) the rights or interests of third parties. If ordered to cease using the Premises at any time by Licensor's personnel due to any hazardous condition, Licensee shall immediately do so. Notwithstanding the foregoing right of Licensor, the parties agree that Licensor has no duty or obligation to monitor Licensee's use of the Premises to determine the safe nature thereof, it being solely Licensee's responsibility to ensure that Licensee's use of the Premises is safe. Neither the exercise nor the failure by Licensor to exercise any rights granted in this Section will alter the liability allocation provided by this License.
- 11.6 Licensee shall, at its sole cost and expense, construct and maintain the Pipeline in such a manner and of such material that the Pipeline will not at any time endanger or interfere with (i) the existence or use of present or future tracks, roadbeds, or property of Licensor, (ii) the safe operation and activities of Licensor or existing third parties, or (iii) the rights or interests of third parties. The construction of the Pipeline shall be completed within one (1) year of the Effective Date, and any subsequent maintenance shall be completed within one (1) year of initiation. Within fifteen (15) days after completion of the construction of the Pipeline or the performance of any subsequent maintenance thereon, Licensee shall, at Licensee's own cost and expense, restore the Premises to substantially their state as of the Effective Date, unless otherwise approved in advance by Licensor in writing. On or before expiration or termination of this License for any reason, Licensee shall, at its sole cost and expense, surrender the Premises to Licensor pursuant to the terms and conditions set forth in **Section 24** hereof.
- 11.7 Licensor may direct one or more of its field engineers or inspectors to observe or inspect the construction and/or maintenance of the Pipeline at any time for compliance with the Drawings and Specifications and Legal Requirements (defined below). Licensee shall reimburse Licensor for the cost of such observation or inspection related services pursuant to **Section 8**. If ordered at any time to halt construction or maintenance of the Pipeline by Licensor's personnel due to non-compliance with the Drawings and Specifications or any other hazardous condition, Licensee shall immediately do so. Notwithstanding the foregoing right of Licensor, the parties agree that Licensor has no duty or obligation to observe or inspect, or to halt work on, the Pipeline, it being solely Licensee's responsibility to ensure that the Pipeline is constructed and maintained in strict accordance with the Drawings and Specifications and in a safe and workmanlike manner in compliance with all terms hereof. Neither the exercise of, nor the failure by Licensor to exercise, any right granted by this Section will alter in any way the liability allocation provided by this License. If at any time Licensee shall, in the sole judgment of Licensor, fail to properly perform its obligations under this **Section 11**, Licensor may, at its option and at Licensee's sole expense, arrange for the performance of such work as it deems necessary for the safety of its operations and activities. Licensee shall promptly reimburse Licensor for all costs and expenses of such work, pursuant to the terms of **Section 8**. Licensor's failure to perform any obligations of Licensee shall not alter the liability allocation hereunder.
- 11.8 Cutting head must travel at 0.0% grade (or downward) beginning 25' (minimum) from centerline of track until it reaches a point 25' (minimum) from the centerline of track. Minimum pressure must be applied to pumping the slurry to the cutting head during drilling. This will deter the bentonite slurry used for lubrication from seeping up and fouling the track roadbed. A Flagman must be present during installation and will monitor the ballast and roadbed.

12. Boring and Excavation.

- 12.1 Prior to Licensee conducting any boring, excavation, or similar work on or about any portion of the Premises, Licensee shall contact the applicable State's call-before-you-dig utility location service to have 3<sup>rd</sup> parties mark the location of utilities. Licensee shall explore the proposed location for such work with hand tools to a depth of at least three (3) feet below the surface of the ground to determine whether pipelines or other structures exist below the surface, provided, however, that in lieu of the foregoing hand-tool exploration, Licensee shall have the right to use suitable detection equipment or other generally accepted industry practice (e.g., consulting with the United States Infrastructure Corporation) to determine the existence or location of pipelines and other subsurface structures prior to drilling or excavating with mechanized equipment. Licensee shall request information from Licensor concerning the existence and approximate location of Licensor's underground lines, utilities, and pipelines at or near the vicinity of the proposed Pipeline by contacting Licensor's Telecommunications Helpdesk, currently at 1-800-533-2891 (option 1, then option 7), at least ten (10) business days prior to installation of the Pipeline. Upon receiving Licensee's timely request, Licensor will provide Licensee with the information Licensor has in its possession regarding any existing underground lines, utilities, and pipelines at or near the vicinity of the proposed Pipeline and, if applicable, identify the location of such lines on the Premises pursuant to Licensor's standard procedures. Licensor does not warrant the accuracy or completeness of information relating to subsurface conditions of the Premises and Licensee's operations will be subject at all times to the liability provisions herein.
- 12.2 For all bores greater than 26-inch diameter and at a depth less than 10.0 feet below bottom of rail, a soil investigation must be performed by Licensee and reviewed by Licensor prior to construction. This study is to determine if granular material is present, and to prevent subsidence during the installation process. If the investigation determines in Licensor's reasonable opinion that granular material is present, Licensor may select a new location for Licensee's use, or may require Licensee to furnish for Licensor's review and approval, in Licensor's sole discretion, a remedial plan to deal with the granular material. Once Licensor has approved any such remedial plan in writing, Licensee shall, at Licensee's sole cost and expense, carry out the approved plan in accordance with all terms thereof and hereof.
- 12.3 No wells shall be installed without prior written approval from Licensor.
- 12.4 Any open hole, boring, or well constructed on the Premises by Licensee shall be safely covered and secured at all times when Licensee is not working in the actual vicinity thereof. Following completion of that portion of the work, all holes or borings constructed on the Premises by Licensee shall be:
- 12.4.1 filled in to surrounding ground level with compacted bentonite grout; or
- 12.4.2 otherwise secured or retired in accordance with any applicable Legal Requirement. No excavated materials may remain on Licensor's property for more than ten (10) days, but must be properly disposed of by Licensee in accordance with applicable Legal Requirements.

**LIABILITY AND INSURANCE**

13. Liability and Indemnification.

- 13.1 For purposes of this License: (a) "**Indemnitees**" means Licensor and Licensor's affiliated companies, partners, successors, assigns, legal representatives, officers, directors, shareholders, employees, and agents; (b) "**Liabilities**" means all claims, liabilities, fines, penalties, costs, damages, losses, liens, causes of action, suits, demands, judgments, and expenses (including, without limitation, court costs, reasonable attorneys' fees, costs of investigation, removal and remediation, and governmental oversight costs) environmental or otherwise; and (c) "**Licensee Parties**" means Licensee and Licensee's officers, agents, invitees,



licensees, employees, or contractors, or any party directly or indirectly employed by any of them, or any party they control or exercise control over.

- 13.2 **TO THE FULLEST EXTENT PERMITTED BY LAW, LICENSEE SHALL, AND SHALL CAUSE ITS CONTRACTOR TO, RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS INDEMNITEES FOR, FROM, AND AGAINST ANY AND ALL LIABILITIES OF ANY NATURE, KIND, OR DESCRIPTION DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM, OR RELATED TO (IN WHOLE OR IN PART):**
- 13.2.1 **THIS LICENSE, INCLUDING, WITHOUT LIMITATION, ITS ENVIRONMENTAL PROVISIONS,**
- 13.2.2 **ANY RIGHTS OR INTERESTS GRANTED PURSUANT TO THIS LICENSE,**
- 13.2.3 **LICENSEE'S OCCUPATION AND USE OF THE PREMISES,**
- 13.2.4 **THE ENVIRONMENTAL CONDITION AND STATUS OF THE PREMISES CAUSED BY OR CONTRIBUTED TO BY LICENSEE, OR**
- 13.2.5 **ANY ACT OR OMISSION OF ANY LICENSEE PARTY.**
- 13.3 **TO THE FULLEST EXTENT PERMITTED BY LAW, LICENSEE NOW AND FOREVER WAIVES AND WILL INDEMNIFY, DEFEND, AND HOLD THE INDEMNITEES HARMLESS FROM ANY AND ALL CLAIMS THAT BY VIRTUE OF ENTERING INTO THIS LICENSE, LICENSOR IS A GENERATOR, OWNER, OPERATOR, ARRANGER, OR TRANSPORTER FOR THE PURPOSES OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT, AS AMENDED ("CERCLA") OR OTHER ENVIRONMENTAL LAWS (DEFINED BELOW). NOTHING IN THIS LICENSE IS MEANT BY EITHER PARTY TO CONSTITUTE A WAIVER OF ANY INDEMNITEE'S COMMON CARRIER DEFENSES AND THIS LICENSE SHOULD NOT BE SO CONSTRUED. IF ANY AGENCY OR COURT CONSTRUES THIS LICENSE TO BE A WAIVER OF ANY INDEMNITEE'S COMMON CARRIER DEFENSES, LICENSEE AGREES TO INDEMNIFY, HOLD HARMLESS, AND DEFEND INDEMNITEES FOR ANY LIABILITIES RELATED TO THAT CONSTRUCTION OF THIS LICENSE. IN NO EVENT AS BETWEEN LICENSOR AND LICENSEE AS TO USE OF THE PREMISES AS CONTEMPLATED BY THIS LICENSE SHALL LICENSOR BE RESPONSIBLE TO LICENSEE FOR THE ENVIRONMENTAL CONDITION OF THE PREMISES.**
- 13.4 **IF ANY EMPLOYEE OF ANY LICENSEE PARTY ASSERTS THAT HE OR SHE IS AN EMPLOYEE OF ANY INDEMNITEE, TO THE FULLEST EXTENT PERMITTED BY LAW, LICENSEE SHALL, AND SHALL CAUSE ITS CONTRACTOR TO, RELEASE, INDEMNIFY, DEFEND, AND HOLD THE INDEMNITEES HARMLESS FROM AND AGAINST ANY LIABILITIES ARISING OUT OF OR RELATED TO (IN WHOLE OR IN PART) ANY SUCH ASSERTION INCLUDING, BUT NOT LIMITED TO, ASSERTIONS OF EMPLOYMENT BY AN INDEMNITEE RELATED TO THE FOLLOWING OR ANY PROCEEDINGS THEREUNDER: THE FEDERAL EMPLOYERS' LIABILITY ACT, THE SAFETY APPLIANCE ACT, THE LOCOMOTIVE INSPECTION ACT, THE OCCUPATIONAL SAFETY AND HEALTH ACT, THE RESOURCE CONSERVATION AND RECOVERY ACT, AND ANY SIMILAR STATE OR FEDERAL STATUTE.**
- 13.5 **THE FOREGOING OBLIGATIONS OF LICENSEE SHALL NOT APPLY TO THE EXTENT LIABILITIES ARE PROXIMATELY CAUSED BY THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF ANY INDEMNITEE, BUT SHALL APPLY TO ALL OTHER LIABILITIES, INCLUDING THOSE ARISING FROM OR ATTRIBUTED TO ANY OTHER ALLEGED OR ACTUAL NEGLIGENCE, INTENTIONAL ACTS, OR STRICT LIABILITY OF ANY INDEMNITEE.**
- 13.6 Upon written notice from Licensor, Licensee agrees to assume the defense of any lawsuit or other proceeding brought against any Indemnatee by any entity, relating to any matter covered by this License for which Licensee has an obligation to assume liability for and/or save and hold harmless

any Indemnitee. Licensee shall pay all costs and expenses incident to such defense, including, but not limited to, reasonable attorneys' fees, investigators' fees, litigation and appeal expenses, settlement payments, and amounts paid in satisfaction of judgments.

14. Personal Property Risk of Loss. **ALL PERSONAL PROPERTY, INCLUDING, BUT NOT LIMITED TO, FIXTURES, EQUIPMENT, OR RELATED MATERIALS UPON THE PREMISES WILL BE AT THE RISK OF LICENSEE ONLY, AND NO INDEMNITEE WILL BE LIABLE FOR ANY DAMAGE THERETO OR THEFT THEREOF, WHETHER OR NOT DUE IN WHOLE OR IN PART TO THE NEGLIGENCE OF ANY INDEMNITEE.**

15. Insurance. Licensee shall, at its sole cost and expense, procure and maintain during the term of this License the following insurance coverage:

15.1 Commercial General Liability "CGL" Insurance.

- a. The policy will provide a minimum of \$5,000,000 per occurrence and an aggregate limit of at least \$10,000,000 but in no event will the coverage be in an amount less than the amount otherwise carried by Licensee. Coverage must be purchased on a post 2004 ISO occurrence form or equivalent and include coverage for, but not limited to, the following:
  - Bodily Injury and Property Damage
  - Personal Injury and Advertising Injury
  - Fire legal liability
  - Products and completed operations
  - Sudden and accidental pollution coverage
  - Contractual Liability for an "Insured Contract" consistent with the definition under the standard ISO general liability policy form.
- b. This policy will include the following endorsements or language, which shall be indicated on or attached to the certificate of insurance:
  - The definition of "Insured Contract" will be amended to remove any exclusion or other limitation for any work being done within 50 feet of Licensor's property;
  - Waiver of subrogation in favor of and acceptable to Licensor;
  - Additional insured endorsement in favor of and acceptable to Licensor and Jones Lang LaSalle Brokerage, Inc. to include coverage for ongoing and completed operations;
  - Separation of insureds;
  - The policy shall be primary and non-contributing with respect to any insurance carried by Licensor.
- c. The parties agree that the workers' compensation and employers' liability related exclusions in the CGL policy(s) are intended to apply to employees of the policyholder and will not apply to Licensor's employees.
- d. No other endorsements that limit coverage with respect to Licensee's obligations under this agreement may be included on the policy.

15.2 Business Automobile Insurance.

- a. The insurance will provide minimum coverage with a combined single limit of at least \$1,000,000 per accident, and include coverage for, but not limited to the following:
  - Bodily injury and property damage.
  - Any and all vehicles owned, used or hired.
- b. The policy will include the following endorsements or language, which will be indicated on or attached to the certificate of insurance:
  - Waiver of subrogation in favor of and acceptable to Licensor;
  - Additional insured endorsement in favor of and acceptable to Licensor;
  - Separation of insureds;
  - The policy shall be primary and non-contributing with respect to any insurance carried by Licensor.

15.3 Workers' Compensation and Employers' Liability Insurance.

- a. The policy will provide coverage of all employees performing any part of the installation or maintenance of the Pipeline including coverage for, but not limited to:
  - Licensee's statutory liability under the workers' compensation laws of the state(s) in which the work or services under this agreement are to be performed. The policy will cover all of Licensee's employees, regardless of whether such coverage is optional under the law of that state(s).
  - Employers' Liability (Part B) with limits of at least \$500,000 each accident, \$500,000 by disease policy limit, \$500,000 by disease each employee.
- b. The policy will include contain the following endorsements or language, which shall be indicated on or attached to the certificate of insurance:
  - Waiver of subrogation in favor of and acceptable to Licensor.

15.4 Railroad Protective Liability Insurance. The policy will name only Licensor as the Insured and will provide coverage of at least \$5,000,000 per occurrence and \$10,000,000 in the aggregate. The coverage obtained under this policy shall only be effective during the initial installation and/or construction of the Pipeline. **THE CONSTRUCTION OF THE PIPELINE SHALL BE COMPLETED WITHIN ONE (1) YEAR OF THE EFFECTIVE DATE.** If further maintenance of the Pipeline is needed at a later date, an additional Railroad Protective Liability Insurance Policy shall be required. The policy will be issued on a standard ISO form CG 00 35 12 04 and include the following:

- Endorsed to include the Pollution Exclusion Amendment.
- Endorsed to include the Limited Seepage and Pollution Endorsement.
- Endorsed to remove any exclusion for punitive damages.
- Endorsed to include Evacuation Expense Coverage Endorsement.
- No other endorsements restricting coverage may be added.
- The original policy must be provided to Licensor and Licensee shall not perform any work or services of any kind under this agreement until Licensor has reviewed and approved the policy.
- The definition of "Physical Damage to Property" will be endorsed to read: "means direct and accidental loss of or damage to all property owned by any named insured and all property in any named insured's care, custody and control (including, but not limited to rolling stock and their contents, mechanical construction equipment or motive power equipment, railroad tracks, roadbeds, catenaries, signals, tunnels, bridges and buildings) arising out of the acts or omissions of the contractor named on the Declarations."

In lieu of providing a Railroad Protective Liability Policy, for a period of one (1) year from the Effective Date, Licensee may participate in Licensor's Blanket Railroad Protective Liability Insurance Policy available to Licensee or its contractor. The limits of coverage are the same as above. The cost is \$1266.00.

- Licensee may **elect** to participate in Licensor's Blanket Policy;
- Licensee **declines** to participate in Licensor's Blanket Policy.

15.5 Intentionally deleted.

15.6 Other Requirements:

- 15.6.1 Where allowable by law, no exclusion for punitive damages may be included in any policy.
- 15.6.2 Licensee agrees to waive its right of recovery against Licensor for all claims and suits against Licensor. In addition, Licensee's insurers, through the terms of the policy or policy endorsement, waive their right of subrogation against Licensor for all claims and suits.

Licensee further waives its right of recovery, and its insurers also waive their right of subrogation against Licensor for loss of Licensee's owned or leased property or property under Licensee's care, custody, or control.

- 15.6.3 Allocated Loss Expense, including but not limited to defense costs and expenses, will be in addition to all policy limits for coverage under the insurance requirements.
- 15.6.4 Licensee is not allowed to self-insure without the prior written consent of Licensor. If Licensor allows Licensee to self-insure, Licensee shall directly cover any self-insured retention or other financial responsibility for claims in lieu of insurance. Any and all Licensor liabilities that would otherwise be covered by Licensee's insurance in accordance with the provisions of this agreement, will be covered as if Licensee elected not to include a self-insured retention or other financial responsibility for claims.
- 15.6.5 Prior to entering the Premises or commencing any work related to the installation or subsequent maintenance of the Pipeline, Licensee shall furnish to Licensor an acceptable certificate(s) of insurance from an authorized representative evidencing the required coverage(s), endorsements, and amendments.
- 15.6.6 Licensee shall notify BNSF in writing at least 30 days prior to any cancellation, non-renewal, substitution or material alteration of any insurance requirement.
- 15.6.7 Any insurance policy shall be written by a reputable insurance company acceptable to Licensor or with a current Best's Guide Rating of A- and Class VII or better, and authorized to do business in the state(s) in which the service is to be provided.
- 15.6.8 If the coverage provided by any of the insurance policies required by this agreement is purchased on a "claims made" basis, Licensee hereby agrees to maintain coverage in force for a minimum of three years after expiration, cancellation or termination of this agreement.
- 15.6.9 Licensee agrees to provide evidence to Licensor that it has the required coverage in place at least annually or in the event of a renewal or material change of coverage
- 15.6.10 Licensee represents that this License has been thoroughly reviewed by Licensee's insurance agent(s)/broker(s), and that Licensee has instructed them to procure the insurance coverage required by this License.
- 15.6.11 Not more frequently than once every five years, Licensor may, at its discretion, reasonably modify the insurance requirements to reflect the then-current risk management practices in the railroad industry and underwriting practices in the insurance industry.
- 15.6.12 If Licensee will subcontract any portion of the operation, Licensee shall require that the subcontractor provide and maintain insurance coverage(s) as set forth herein, naming Licensor as an additional insured. In addition, Licensee shall require that the subcontractor shall release, defend and indemnify Licensee to the same extent and under the same terms and conditions as Licensee is required to release, defend and indemnify Licensor under this agreement.
- 15.6.13 Failure to provide evidence as required by this section shall entitle, but not require, Licensor to terminate this License immediately. Acceptance of a certificate that does not comply with this section shall not operate as a waiver of Licensee's obligations hereunder.
- 15.6.14 The fact that Licensee obtains insurance (including, without limitation, self-insurance) shall not release or diminish Licensee's liabilities or obligations including, without limitation, the liabilities and obligations under the indemnity provisions of the License.

Damages recoverable by Licensor shall not be limited by the amount of the required insurance coverage.

15.6.15 In the event of a claim or lawsuit involving BNSF arising out of this Agreement, Licensee will make the policy covering such claims or lawsuits available to BNSF.

15.6.16 If Licensee maintains broader coverage and/or higher limits than the minimum requirements in this Agreement, BNSF requires and shall be entitled to the broader coverage and/or the higher limits. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to BNSF.

15.6.17 These insurance provisions are intended to be a separate and distinct obligation on the part of the Licensee. Therefore, these provisions shall be enforceable and Licensee shall be bound thereby regardless of whether or not indemnity provisions are determined to be enforceable in the jurisdiction in which the work or services are performed under this License.

15.6.18 For purposes of this **Section 15**, Licensor shall mean "Burlington Northern Santa Fe, LLC", "BNSF Railway Company" and the subsidiaries, successors, assigns and affiliates of each.

## **COMPLIANCE WITH LAWS, REGULATIONS, AND ENVIRONMENTAL MATTERS**

### 16. Compliance with Laws, Rules, and Regulations.

- 16.1 Licensee shall observe and comply with any and all applicable federal, state, local, and tribal laws, statutes, regulations, ordinances, orders, covenants, restrictions, or decisions of any court of competent jurisdiction ("**Legal Requirements**") relating to the construction, maintenance, and use of the Pipeline and the use of the Premises.
- 16.2 Prior to entering the Premises, Licensee shall and shall cause its contractor(s) to comply with all of Licensor's applicable safety rules and regulations. Licensee must ensure that each of its employees, contractors, agents or invitees entering upon the Premises completes the safety orientation program at the Website "www.BNSFcontractor.com" (the "**Safety Orientation**") within one year prior to entering upon the Premises. Additionally, Licensee must ensure that each and every employee of Licensee, its contractors, agents and invitees possess a card certifying completion of the Safety Orientation prior to entering upon the Premises. Licensee must renew (and ensure that its contractors, agents or invitees, as applicable, renew) the Safety Orientation annually.
- 16.3 Licensee shall obtain on or before the date it or its contractor enters the Premises, any and all additional rights-of way, easements, licenses and other agreements relating to the grant of rights and interests in and/or access to the Premises (collectively, the "**Rights**") and such other rights, licenses, permits, authorizations, and approvals (including without limitation, any necessary local, state, federal or tribal authorizations and environmental permits) that are necessary in order to permit Licensee to construct, maintain, own and operate the Pipeline and otherwise to perform its obligations hereunder in accordance with the terms and conditions hereof.
- 16.4 Licensee shall either require that the initial stated term of each such Rights be for a period that does not expire, in accordance with its ordinary terms, prior to the last day of the term of this License or, if the initial stated term of any such Right expires in accordance with its ordinary terms on a date earlier than the last day of the term of this License, Licensee shall, at its cost, exercise any renewal rights thereunder, or otherwise acquire such extensions, additions and/or replacements as may be necessary, in order to cause the stated term thereof to be continued until a date that is not earlier than the last day of the term of this License.

16.5 Upon the expiration or termination of any Right that is necessary in order for Licensee to own, operate or use the Pipeline in accordance with the terms and conditions of this License, this License thereby shall automatically expire upon such expiration or termination of the Right.

17. Environmental.

- 17.1 Licensee shall strictly comply with Environmental Laws (as defined below). Licensee shall not maintain a treatment, storage, transfer or disposal facility, or underground storage tank, as defined by Environmental Laws on the Premises. Licensee shall not release or suffer the release of oil or Hazardous Materials (as defined below) on or about the Premises.
- 17.2 Except as specifically set forth in Section 4 of this License, Licensee covenants that it will not handle or transport Hazardous Materials through the Pipeline or on Licensor's property. Upon request by Licensor, Licensee agrees to furnish Licensor with proof, satisfactory to Licensor, that Licensee is in compliance with the provisions of this **Section 17.2**.
- 17.3 Licensee shall give Licensor immediate notice to Licensor's Resource Operations Center at (800) 832-5452 of any known (i) release of Hazardous Materials on, from, or affecting the Premises, (ii) violation of Environmental Laws, or (iii) inspection or inquiry by governmental authorities charged with enforcing Environmental Laws with respect to Licensee's use of the Premises. Licensee shall use its best efforts to immediately respond to any release on, from, or affecting the Premises. Licensee also shall give Licensor prompt notice of all measures undertaken on behalf of Licensee to investigate, remediate, respond to or otherwise cure such release or violation.
- 17.4 If Licensor has notice from Licensee or otherwise of a release or violation of Environmental Laws arising in any way with respect to the Pipeline which occurred or may occur during the term of this License, Licensor may require Licensee, at Licensee's sole risk and expense, to take timely measures to investigate, remediate, respond to or otherwise cure such release or violation affecting the Premises or Licensor's right-of-way.
- 17.5 Licensee shall immediately report to Licensor's Resource Operations Center at (800) 832-5452 any conditions or activities upon the Premises known to Licensee which create a risk of harm to persons, property or the environment and shall take all reasonable actions necessary to prevent injury to persons, property, or the environment arising out of such conditions or activities; provided, however, that Licensee's reporting to Licensor shall not relieve Licensee of any obligation whatsoever imposed on it by this License. Licensee shall promptly respond to Licensor's request for information regarding said conditions or activities.
- 17.6 During the term of this License, Licensor may, at Licensor's option, require Licensee to conduct an environmental audit, including but not limited to sampling, of the Premises through an environmental consulting engineer acceptable to Licensor, at Licensee's sole cost and expense, to determine if any noncompliance or environmental damage to the Premises has occurred during occupancy thereof by Licensee. The audit shall be conducted to Licensor's satisfaction and a copy of the audit report shall promptly be provided to Licensor for its review. Licensee shall pay all expenses for any remedial or corrective action that may be required as a result of said audit to correct any noncompliance or environmental damage, and Licensee shall diligently pursue and complete all necessary work prior to termination of this License. Licensee's obligations under this Section 17.6 shall survive termination of this License.
- 17.7 Notwithstanding anything in this Section 17, the parties agree that Licensor has no duty or obligation to monitor Licensee's use of the Premises to determine Licensee's compliance with Environmental Laws, it being solely Licensee's responsibility to ensure that Licensee's use of the Premises is compliant. Neither the exercise nor the failure by Licensor to exercise any rights granted in this Section will alter the liability allocation provided by this License.
- 17.8 "**Environmental Law(s)**" shall mean any federal, state, local, or tribal law, statute, ordinance, code, rule, regulation, policy, common law, license, authorization, decision, order, or injunction which pertains to health, safety, any Hazardous Material, or the environment (including but not

limited to ground, air, water, or noise pollution or contamination, and underground or above-ground tanks) and shall include, without limitation, CERCLA 42 U.S.C. §9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq.; the Hazardous Materials Transportation Act, 49 U.S.C. §5101 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq.; the Clean Air Act, 42 U.S.C. §7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. §2601 et seq.; the Safe Drinking Water Act, 42 U.S.C. §300f et seq.; the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11001 et seq.; the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 to 136y; the Oil Pollution Act, 33 U.S.C. 2701 et seq.; and the Occupational Safety and Health Act, 29 U.S.C. 651 et seq.; all as have been amended from time to time, and any other federal, state, local, or tribal environmental requirements, together with all rules, regulations, orders, and decrees now or hereafter promulgated under any of the foregoing, as any of the foregoing now exist or may be changed or amended or come into effect in the future.

- 17.9 **"Hazardous Material(s)"** shall include but shall not be limited to any substance, material, or waste that is regulated by any Environmental Law or otherwise regulated by any federal, state, local, or tribal governmental authority because of toxic, flammable, explosive, corrosive, reactive, radioactive or other properties that may be hazardous to human health or the environment, including without limitation asbestos and asbestos-containing materials, radon, petroleum and petroleum products, urea formaldehyde foam insulation, methane, lead-based paint, polychlorinated biphenyl compounds, hydrocarbons or like substances and their additives or constituents, pesticides, agricultural chemicals, and any other special, toxic, or hazardous (i) substances, (ii) materials, or (iii) wastes of any kind, including without limitation those now or hereafter defined, determined, or identified as "hazardous chemicals", "hazardous substances," "hazardous materials," "toxic substances," or "hazardous wastes" in any Environmental Law.

#### **DISCLAIMER OF WARRANTIES**

18. **No Warranties.**

18.1 **LICENSOR'S DUTIES AND WARRANTIES ARE LIMITED TO THOSE EXPRESSLY STATED IN THIS LICENSE AND SHALL NOT INCLUDE ANY IMPLIED DUTIES OR IMPLIED WARRANTIES, NOW OR IN THE FUTURE. NO REPRESENTATIONS OR WARRANTIES HAVE BEEN MADE BY LICENSOR OTHER THAN THOSE CONTAINED IN THIS LICENSE. LICENSEE HEREBY WAIVES ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE PREMISES OR WHICH MAY EXIST BY OPERATION OF LAW OR IN EQUITY, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY OF MERCHANTABILITY, HABITABILITY OR FITNESS FOR A PARTICULAR PURPOSE.**

18.2 **LICENSOR MAKES NO WARRANTY, REPRESENTATION OR CONDITION OF ANY KIND, EXPRESS OR IMPLIED, CONCERNING (A) THE SCOPE OF THE LICENSE OR OTHER RIGHTS GRANTED HEREUNDER TO LICENSEE OR (B) WHETHER OR NOT LICENSEE'S CONSTRUCTION, MAINTENANCE, OWNERSHIP, USE OR OPERATION OF THE PIPELINE WILL VIOLATE OR INFRINGE UPON THE RIGHTS, INTERESTS AND ESTATES OF THIRD PARTIES, INCLUDING, WITHOUT LIMITATION, ANY LEASES, USE RIGHTS, EASEMENTS AND LIENS OF ANY THIRD PARTY.**

19. **Disclaimer of Warranty for Quiet Enjoyment. LICENSOR DOES NOT WARRANT ITS TITLE TO THE PREMISES NOR UNDERTAKE TO DEFEND LICENSEE IN THE PEACEABLE POSSESSION OR USE THEREOF. NO COVENANT OF QUIET ENJOYMENT IS MADE.**

20. **Eviction at Risk of Licensee. In case of the eviction of Licensee by anyone owning, claiming title to, or claiming any interest in the Premises, or by the abandonment by Licensor of the affected rail corridor, Licensor shall not be liable (i) to refund Licensee any compensation paid hereunder, except for the pro-rata part of any recurring charge paid in advance, or (ii) for any damages or costs Licensee sustains in connection with the eviction.**

**LIENS AND TAXES**

21. Liens and Charges. Licensee shall promptly pay and discharge any and all liens arising out of any construction, alterations or repairs done, suffered or permitted to be done by Licensee on the Premises. Licensor is hereby authorized to post any notices or take any other action upon or with respect to the Premises that is or may be permitted by law to prevent the attachment of any such liens to the Premises; provided, however, that failure of Licensor to take any such action shall not relieve Licensee of any obligation or liability under this **Section 21** or any other Section of this License.
22. Taxes. Licensee shall pay when due any taxes, assessments or other charges (collectively, "**Taxes**") levied or assessed by any governmental or quasi-governmental body upon the Pipeline or any other improvements constructed or installed on the Premises by or for Licensee (collectively, the "**Improvements**") or any Taxes levied or assessed against Licensor or the Premises that are attributable to the Improvements.

**DEFAULT, TERMINATION, AND SURRENDER**

23. Default and Termination. In addition to and not in limitation of Licensor's right to terminate for failure to provide evidence of insurance as required pursuant to the terms of **Section 15**, the following events are also deemed to be events of default pursuant to which Licensor has the right to terminate as set forth below:
- 23.1 If default shall be made in any of Licensee's covenants, agreements, or obligations contained in this License and Licensee fails to cure said default within thirty (30) days after written notice is provided to Licensee by Licensor, or in case of any assignment or transfer of this License in violation of **Section 26** below, Licensor may, at its option, terminate this License by serving five (5) days' notice in writing upon Licensee. Notwithstanding the foregoing, Licensor shall have the right to terminate this License immediately if Licensee fails to provide evidence of insurance as required in **Section 15**.
- 23.2 Should Licensee not comply fully with the obligations of **Section 17** regarding the handling or transporting of Hazardous Materials, notwithstanding anything contained in any other provision of this License, Licensor may, at its option, terminate this License by serving five (5) days' notice in writing upon Licensee.
- 23.3 Any waiver by Licensor of any default or defaults shall not constitute a waiver of the right to terminate this License for any subsequent default or defaults, nor shall any such waiver in any way affect Licensor's ability to enforce any Section of this License. The remedies set forth in this **Section 23** shall be in addition to, and not in limitation of, any other remedies that Licensor may have at law or in equity.
- 23.4 In addition to and not in limitation of Licensor's rights to terminate this License for failure to provide evidence of insurance or occurrence of defaults as described above, this License may be terminated by either party, at any time, by serving thirty (30) days' written notice of termination upon the other party. Such termination shall not release either party hereto from any liability or obligation under the License, whether of indemnity or otherwise, resulting from any acts, omissions or events happening prior to the date of termination or thereafter in case by the terms of the License it is provided that anything shall or may be done after termination hereof.
24. Surrender of the Premises.
- 24.1 On or before expiration or termination of this License for any reason, Licensee shall, at its sole cost and expense:
- 24.1.1 if so directed by Licensor in writing, remove the Improvements, the Pipeline and all appurtenances thereto, or, at the sole discretion of Licensor, fill and cap or otherwise appropriately decommission the Pipeline with a method satisfactory to Licensor;



- 24.1.2 report and restore any damage to the Premises or Licensor's other property arising from, growing out of, or connected with Licensee's use of the Premises;
- 24.1.3 remedy any unsafe conditions on the Premises created or aggravated by Licensee; and
- 24.1.4 leave the Premises in substantially the condition which existed as of the Effective Date, or as otherwise agreed to by Licensor.
- 24.2 Upon any expiration or termination of this License, if Licensee fails to surrender the Premises to Licensor or if Licensee fails to complete its obligations under **Section 24.1** above (the "**Restoration Obligations**"), Licensee shall have a limited license to enter upon the Premises solely to the extent necessary for Licensee to complete the Restoration Obligations, and all liabilities and obligations of Licensee hereunder shall continue in effect until the Premises are surrendered and the Restoration Obligations are completed. Neither termination nor expiration shall release Licensee from any liability or obligation under this License, whether of indemnity or otherwise, resulting from any acts, omissions or events happening prior to the date of termination, or, if later, the date when Licensee surrenders the Premises and all of the Restoration Obligations are completed.
- 24.3 If Licensee fails to complete the Restoration Obligations within thirty (30) days after the date of such termination of its tenancy, then Licensor may, at its election, either: (i) remove the Pipeline and the other Improvements or otherwise restore the Premises, and in such event Licensee shall, within thirty (30) days after receipt of bill therefor, reimburse Licensor for cost incurred, (ii) upon written notice to Licensee, take and hold the Pipeline and the other Improvements and personal property as its sole property, without payment or obligation to Licensee therefor, or (iii) specifically enforce Licensee's obligation to restore and/or pursue any remedy at law or in equity against Licensee for failure to so restore. Further, if Licensor has consented to the Pipeline and the other Improvements remaining on the Premises following termination, Licensee shall, upon request by Licensor, provide a bill of sale in a form acceptable to Licensor conveying the Pipeline and the other Improvements to Licensor for no additional consideration.

## **MISCELLANEOUS**

25. Successors and Assigns. All provisions contained in this License shall be binding upon, inure to the benefit of, and be enforceable by the respective successors and assigns of Licensor and Licensee to the same extent as if each such successor and assign was named a party to this License.
26. Assignment.
- 26.1 Licensee may not sell, assign, transfer, or hypothecate this License or any right, obligation, or interest herein (either voluntarily or by operation of law, merger, or otherwise) without the prior written consent of Licensor, which consent may not be unreasonably withheld or delayed by Licensor. Any attempted assignment by Licensee in violation of this **Section 26** shall be a breach of this License and, in addition, shall be voidable by Licensor in its sole and absolute discretion.
- 26.2 For purposes of this **Section 26**, the word "assign" shall include without limitation (a) any sale of the equity interests of Licensee following which the equity interest holders of Licensee immediately prior to such sale own, directly or indirectly, less than 50% of the combined voting power of the outstanding voting equity interests of Licensee, (b) any sale of all or substantially all of the assets of (i) Licensee and (ii) to the extent such entities exist, Licensee's parent and subsidiaries, taken as a whole, or (c) any reorganization, recapitalization, merger or consolidation involving Licensee. Notwithstanding the foregoing, any reorganization, recapitalization, merger or consolidation following which the equity interest holders of Licensee immediately prior to such reorganization, recapitalization, merger or consolidation own, directly or indirectly, at least 50% of the combined voting power of the outstanding voting equity interests of Licensee or any successor thereto or the entity resulting from such reorganization, recapitalization, merger or consolidation shall not be deemed an assignment. THIS LICENSE SHALL NOT RUN WITH THE

LAND WITHOUT THE EXPRESS WRITTEN CONSENT OF LICENSOR, SUCH CONSENT TO BE IN LICENSOR'S SOLE DISCRETION.

26.3 Notwithstanding the provisions of **Section 26.1** above or anything contained in this License to the contrary, if Licensee sells, assigns, transfers, or hypothecates this License or any interest herein in contravention of the provisions of this License (a "**Purported Assignment**") to another party (a "**Purported Transferee**"), the Purported Transferee's enjoyment of the rights and privileges granted under this License shall be deemed to be the Purported Transferee's agreement to be bound by all of the terms and provisions of this License, including but not limited to the obligation to comply with the provisions of **Section 15** above concerning insurance requirements. In addition to and not in limitation of the foregoing, Licensee, for itself, its successors and assigns, shall indemnify, defend and hold harmless Licensor for all Liabilities of any nature, kind or description of any person or entity directly or indirectly arising out of, resulting from or related to (in whole or in part) a Purported Assignment. The provisions of this **Section 26.3** shall survive the expiration or earlier termination of this License.

26.4 Licensor shall have the right to transfer and assign, in whole or in part, all of its rights and obligations under this License, and upon any such transfer or assignment, Licensor shall be released from any further obligations hereunder, and Licensee agrees to look solely to the successor in interest of Licensor for the performance of such obligations.

27. Notices. Any notice, invoice, or other writing required or permitted to be given hereunder by one party to the other shall be in writing and the same shall be given and shall be deemed to have been served and given if (i) placed in the United States mail, certified, return receipt requested, or (ii) deposited into the custody of a nationally recognized overnight delivery service, addressed to the party to be notified at the address for such party specified below, or to such other address as the party to be notified may designate by giving the other party no less than thirty (30) days' advance written notice of such change in address.

If to Licensor: Jones Lang LaSalle Brokerage, Inc.  
4200 Buckingham Road, Suite 110  
Fort Worth, TX 76155  
Attn: Permits/Licenses

with a copy to: BNSF Railway Company  
2650 Lou Menk Dr.  
Fort Worth, TX 76131  
Attn: Senior Manager Real Estate

If to Licensee: Delta Diablo  
2500 Pittsburg-Antioch Hwy  
Antioch, California 94509  
Attn: \_\_\_\_\_

28. Survival. Neither termination nor expiration will release either party from any liability or obligation under this License, whether of indemnity or otherwise, resulting from any acts, omissions or events happening prior to the date of termination or expiration, or, if later, the date when the Pipeline and the other Improvements are removed and the Restoration Obligations are completed in accordance with the terms hereof.

29. Recordation. It is understood and agreed that this License shall not be placed or allowed to be placed on public record.

30. Applicable Law. All questions concerning the interpretation or application of provisions of this License shall be decided according to the substantive laws of the State of Texas without regard to conflicts of law provisions.

31. Severability. To the maximum extent possible, each provision of this License shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this License shall be

prohibited by, or held to be invalid under, applicable law, such provision shall be ineffective solely to the extent of such prohibition or invalidity, and this shall not invalidate the remainder of such provision or any other provision of this License.

32. Integration. This License is the full and complete agreement between Licensor and Licensee with respect to all matters relating to Licensee's use of the Premises, and supersedes any and all other agreements between the parties hereto relating to Licensee's use of the Premises as described herein. However, nothing herein is intended to terminate any surviving obligation of Licensee or Licensee's obligation to defend and hold Licensor harmless in any prior written agreement between the parties.
33. Joint and Several Liability. If Licensee consists of two or more parties, all the covenants and agreements of Licensee herein contained shall be the joint and several covenants and agreements of such parties.
34. Waiver. The waiver by Licensor of the breach of any provision herein by Licensee shall in no way impair the right of Licensor to enforce that provision for any subsequent breach thereof.
35. Interpretation.
- 35.1 This License shall be interpreted in a neutral manner, and not more strongly for or against any party based upon the source of the draftsmanship; both parties hereby agree that this License shall not be subject to the principle that a contract would be construed against the party which drafted the same. Article titles, headings to sections and paragraphs and the table of contents (if any) are inserted for convenience of reference only and are not intended to be a part or to affect the meaning or interpretation hereof. The exhibit or exhibits referred to herein shall be construed with and as an integral part of this License to the same extent as if they were set forth verbatim herein.
- 35.2 As used herein, "include", "includes" and "including" are deemed to be followed by "without limitation" whether or not they are in fact followed by such words or words of like import; "writing", "written" and comparable terms refer to printing, typing, lithography and other means of reproducing words in a visible form; references to any person are also to that person's successors and permitted assigns; "hereof", "herein", "hereunder" and comparable terms refer to the entirety hereof and not to any particular article, section, or other subdivision hereof or attachment hereto; references to any gender include references to the masculine or feminine as the context requires; references to the plural include the singular and vice versa; and references to this License or other documents are as amended, modified or supplemented from time to time.
36. Counterparts. This License may be executed in multiple counterparts, each of which shall, for all purposes, be deemed an original but which together shall constitute one and the same instrument, and the signature pages from any counterpart may be appended to any other counterpart to assemble fully executed documents, and counterparts of this License may also be exchanged electronically and any electronic version of any party's signature shall be deemed to be an original signature for all purposes.
37. Licensor's Representative. Jones Lang LaSalle Brokerage, Inc. is acting as representative for BNSF Railway Company.

**END OF PAGE – SIGNATURE PAGE FOLLOWS**

This License has been duly executed by the parties hereto as of the Effective Date.

**LICENSOR:**

**BNSF Railway Company**, a Delaware corporation

By: Jones Lang LaSalle Brokerage, Inc.  
4200 Buckingham Road, Suite 110  
Fort Worth, TX 76155

By: \_\_\_\_\_

Title: \_\_\_\_\_

**LICENSEE:**

**Delta Diablo**, a California corporation

By: \_\_\_\_\_

Title: \_\_\_\_\_

# EXHIBIT "A"

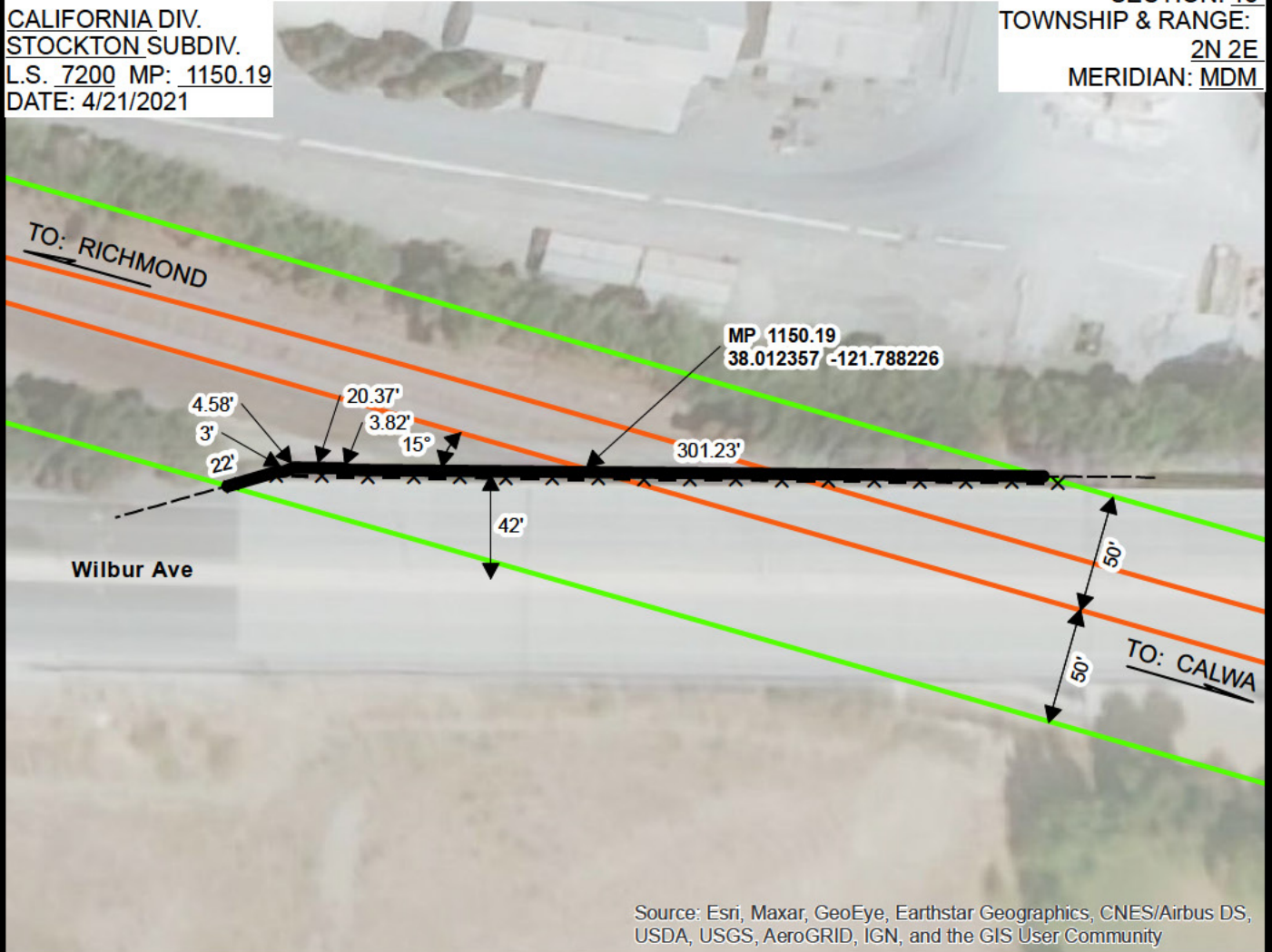
ATTACHED TO CONTRACT BETWEEN  
**BNSF RAILWAY COMPANY**  
 AND



## DELTA DIABLO

SCALE: 1 IN = 75 FT  
 CALIFORNIA DIV.  
 STOCKTON SUBDIV.  
 L.S. 7200 MP: 1150.19  
 DATE: 4/21/2021

SECTION: 18  
 TOWNSHIP & RANGE:  
 2N 2E  
 MERIDIAN: MDM



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

x - x - EXISTING OVERHEAD PIPELINE  
 TO BE REMOVED  
 AGREEMENT UNKNOWN

DESCRIPTION OF PIPELINE  
 PIPELINE SHOWN BOLD

	CARRIER PIPE	CASING PIPE		CARRIER PIPE	CASING PIPE
SIZE:	25.14"	-	LENGTH ON RW:	355'	-
CONTENTS:	SANITARY SEWER	-	WORKING PRESSURE:	200 PSI	-
PIPE MATERIAL:	DUCTILE IRON	-	DISTANCE ABOVE TOP OF RAIL	26.43'	-
SPECIFICATIONS / GRADE:	CLASS 200 RESTRA NED JOINT AWWA C151	-	BURY: NATURAL GROUND	-	-
WALL THICKNESS:	0.33"	-	BURY: ROADWAY DITCHES	-	-
COATING:	CERAMACOAT	-	CATHODIC PROTECTION	-	-

VENTS: NUMBER \_ \_ SIZE \_ \_ HEIGHT OF VENT ABOVE GROUND \_ \_  
 NOTE: PIPE TO BE ATTACHED TO OVERHEAD BRIDGE

ANTIOCH  
 COUNTY OF CONTRA COSTA

STATE OF CA

JNC

# Application for Pipeline - Crossing

## Variations

REQUIREMENT	APPLICATION VALUE	EXPLANATION
Angle must be between 45 and 90 degrees	15 degrees	Overhead crossing - not under tracks
Nonstandard installation method requires additional review	Installation method: Other - Overhead supported on City's bridge	Overhead installation - supported on City bridge over tracks
Uncased pipelines must be steel	Ductile Iron	No carrier pipe - overhead installation

**BRIDGEHEAD PIPELINE REPLACEMENT  
DELTA DIABLO PROJECT NO. 21123**

**SUMMARY OF REQUIRED TRANSFERS WITHIN WW CAR FUND**

<b>Description</b>	<b>Estimated Expenditure through FY21/22</b>
Design	\$ 244,050
Construction	\$ 1,468,925
Contingency (10%)	\$ 146,893
Construction Management	\$ 280,421
Administrative	\$ 159,711
Temporary Pipeline Installation/Rental	\$ 1,500,000
<b>TOTAL</b>	<b>\$ 3,800,000</b>

**FY21/22 – FY25/26 Wastewater Capital Asset Replacement CIP Project(s)**

	<b>Existing FY21/22 Budget</b>	<b>Budget Transfer</b>	<b>Revised FY21/22 Budget</b>
Emergency Retention Basin Improvements	\$ 400,000	\$ 300,000	\$ 100,000
<b>TOTAL</b>	<b>\$ 400,000</b>	<b>\$ 300,000</b>	<b>\$ 100,000</b>

September 8, 2021

AUTHORIZE GENERAL MANAGER TO ESTABLISH A NEW FISCAL YEAR 2021/2022 PROJECT IN THE WASTEWATER CAPITAL ASSET REPLACEMENT FUND AND TO TRANSFER MONIES TO THIS PROJECT FROM ARCY LANE JUNCTION STRUCTURE REHABILITATION PROJECT WITHIN WASTEWATER CAPITAL ASSET REPLACEMENT FUND IN THE AMOUNT OF \$300,000, FOR A TOTAL PROJECT BUDGET OF \$300,000; AND AUTHORIZE GENERAL MANAGER TO EXECUTE GENERAL SERVICES CONTRACT IN A TOTAL AMOUNT NOT TO EXCEED \$220,805, PACIFIC COAST TRANE SERVICE, POC CHILLER IMPROVEMENTS, PROJECT NO. 22128

### **Recommendation**

- 1) Authorize General Manager to establish a new Fiscal Year 2021/2022 (FY21/22) project within the Wastewater Capital Asset Replacement (WW CAR) Fund, entitled POC Chiller Improvements Project, and to transfer monies to this project from the Arcy Lane Junction Structure Rehabilitation Project in the amount of \$300,000, for a total project budget of \$300,000.
- 2) Authorize General Manager to execute General Services Contract with Pacific Coast Trane Service (Trane) to refurbish the Plant Operations Center (POC) chiller and provide a 5-year warranty in an amount not to exceed \$220,805.

### **Background Information**

The POC air-cooled chiller was installed in 1996 as part of the original building construction. This unit is utilized for cooling the air into the POC building. The District has an annual contract with Trane to provide ongoing maintenance services for this unit along with other Trane-related equipment at the District's Wastewater Treatment Plant. The existing POC chiller is over 25 years old with aging components requiring replacement. Recently, one of the compressors failed rendering a portion of the chiller inoperable resulting in ineffective cooling of the POC building.

### **Analysis**

Staff engaged Trane to assess the failure point and the overall condition of the POC chiller. Based on the assessment, staff determined full refurbishment of this unit is more cost effective than replacing each individual component. In addition, a fully-refurbished chiller can provide up to 15 to 20 years of uninterrupted service with proper maintenance. Staff recommends that the Board authorize creation of a new capital project to refurbish the existing POC chiller to ensure sufficient long-term operational reliability. Trane is the manufacturer of the existing chiller and has been providing maintenance on this equipment. It is critical for Trane to perform this work to ensure proper coordination and implementation of the refurbished equipment. It also permits the entire equipment to be covered under the provisions of a single 5-year warranty, which will facilitate repairs and/or replacements in the event of any warranty issues.

### **Financial Impact**

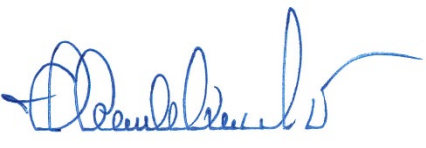
Sufficient funding is available within the approved FY21/22-FY25/26 Capital Improvement Program for refurbishing the existing POC chiller. Staff is recommending that funding for this effort be provided through transfer from the Arcy Lane Junction Structure Rehabilitation Project within the WW CAR Fund in the amount of \$300,000, for a total project budget of \$300,000. A summary of the required transfer and estimated costs is attached.





**Attachment**

Summary of Required Transfers within WW CAR Fund

Prepared by:   
\_\_\_\_\_  
Thanh Vo  
Acting Engineering Services Director

cc: District File No. P.22128.01.01



**POC CHILLER IMPROVEMENTS  
DELTA DIABLO PROJECT NO. 22128**

**SUMMARY OF REQUIRED TRANSFERS WITHIN WW CAR FUND**

<b>Description</b>	<b>Estimated Expenditure through FY21/22</b>
Construction/Equipment	\$ 209,115
Extended 5-year Warranty	\$ 11,690
Administrative	\$ 79,195
<b>TOTAL</b>	<b>\$ 300,000</b>

**FY21/22-FY25/26 Wastewater Capital Asset Replacement CIP Project(s)**

	<b>Existing FY21/22 Budget</b>	<b>Budget Transfer</b>	<b>Revised FY21/22 Budget</b>
Arcy Lane Junction Structure Rehabilitation	\$ 500,000	\$ 300,000	\$ 200,000
<b>TOTAL</b>	<b>\$ 500,000</b>	<b>\$ 300,000</b>	<b>\$ 200,000</b>

September 8, 2021

RECEIVE UPDATE ON FISCAL YEAR 2021/2022 STRATEGIC INITIATIVES TO SUPPORT STRATEGIC PLAN IMPLEMENTATION

**Recommendation**

Receive update on Fiscal Year 2021/2022 (FY21/22) Strategic Initiatives to support implementation of the District's Strategic Plan.

**Background Information**

On August 18, 2021, the Board approved the District's Strategic Plan, which includes new Mission, Vision, and Value Statements, as well as Goals, Strategies, and Objectives to guide key focus areas, resource allocation, and decision making over the next three years. In support of Strategic Plan implementation, staff identifies key organizational initiatives each year.

**Analysis**

Staff will present the ten proposed FY21/22 Strategic Initiatives for the six identified District Strategic Goals—Infrastructure Investment, Environmental Stewardship, Fiscal Responsibility, Organizational Change, Workforce Development, and Customer Services and Engagement. Following completion of FY21/22, staff will provide a report on the District's progress in completing these initiatives, as well as achieving the Key Success Indicators included in the Strategic Plan.

**Financial Impact**

Sufficient funding is included in the adopted FY21/22 Budget to support implementation of the proposed Strategic Initiatives.

**Attachment**

Proposed FY21/22 Strategic Initiatives

Prepared by: \_\_\_\_\_

  
Dean Eckerson  
Resource Recovery Services Director

District File No.: CORP.01.05-DOCS

## District Strategic Plan Implementation – FY21/22 Strategic Initiatives

Strategic Plan Goals and Strategies (for reference, partial list)		FY21/22 Strategic Initiatives
<p><b>1 Infrastructure Investment</b></p> <p>Ensure the long-term effectiveness and reliability of critical infrastructure through prioritized, cost-effective capital investment and maintenance</p>	<p><b>2</b> Meet operational needs, support reliability goals, and extend asset life through continued development and implementation of a formalized, risk-based Asset Management Program</p>	1. Develop a formalized <b>Asset Management Program</b> Implementation Roadmap, including vision, goals, priorities, key actions, and resource needs
	<p><b>4</b> Ensure coordinated and cost-effective capital project delivery during the planning, design, construction, and startup project phases</p>	2. Engage an inter-divisional team to identify and implement measures to improve <b>capital project delivery</b> via enhanced coordination, collaboration, communication, risk management, and integration of key “lessons learned”
<p><b>2 Environmental Stewardship</b></p> <p>Meet or surpass environmental and public health requirements to maintain public trust</p>	<p><b>3</b> Advocate for achievable, sustainable, and cost-effective environmental regulations based on sound science and public health benefits</p>	3. Advocate for development of a <b>regional nutrient “trading” program</b> via active engagement as a member of the Bay Area Clean Water Agencies (BACWA) “Nutrient Strategy Team”
<p><b>3 Fiscal Responsibility</b></p> <p>Manage financial resources effectively to meet funding needs and maintain fair and reasonable rates</p>	<p><b>2</b> Ensure legal, equitable, and cost-of-service based rates with revenue need allocation to appropriate customer categories</p>	4. Develop recommended updates to the District’s <b>Capital Facilities Capacity Charges</b> to ensure effective cost recovery and appropriate allocation to customers
<p><b>4 Organizational Change</b></p> <p>Embrace innovation, engagement, and change to enhance service delivery, work processes, and use of technology to drive sustained improvement in organizational effectiveness and efficiency</p>	<p><b>1</b> Promote and value a high-performing organizational culture that is open to new ideas, innovative approaches, and sharing of diverse employee perspectives and experiences</p>	5. Effectively implement <b>prioritized, value-added IT enhancements</b> to improve contract administration, budget/cost tracking and reporting, human resources management, e-records management, and customer payment processing (i.e., e-payment for permits)
	<p><b>2</b> Expand value-added use of information technology (IT) services and applications</p> <p><b>3</b> Effectively manage implementation of organizational changes</p>	
<p><b>5 Workforce Development</b></p> <p>Support development of an engaged, skilled workforce that is dedicated to organizational excellence and exceptional service delivery</p>	<p><b>2</b> Promote employee professional development and training to ensure readiness and adaptability to meet future workforce challenges and needs</p>	6. Implement a streamlined, effective approach to the <b>performance planning and appraisal process</b> that supports supervisor-employee engagement and aligns with District needs, behavioral values, and strategic goals and objectives
<p><b>6 Customer Services and Engagement</b></p> <p>Deliver an exceptional customer service experience and embrace opportunities to enhance service value through engagement and collaboration</p>	<p><b>1</b> Enhance customer services by streamlining communications to share accurate information with the public and effectively resolve potential inquiries or concerns</p>	7. Implement a process to ensure customers are able to provide feedback and an evaluation of <b>customer service experiences</b> with the District
	<p><b>3</b> Maintain an updated Strategic Communications Plan</p>	8. Update the <b>Strategic Communications Plan</b> (Oct 2019) to align with the District’s Strategic Plan
	<p><b>4</b> Ensure development of effective Business Continuity and Emergency Response plans to maintain operational resiliency during extreme climate events and/or local community emergency conditions</p>	9. Identify critical <b>emergency response scenarios</b> and conduct associated tabletop exercises (minimum of two) with key internal stakeholders
	<p><b>5</b> Engage in beneficial local community, industry association, regulatory, and/or peer agency partnerships to further environmental protection awareness and address critical issues impacting the District’s operations</p>	10. Enhance public awareness of key District and regional (i.e., Bay Area Pollution Prevention Group) <b>pollution prevention activities</b> through targeted website, community event, and direct contact communications

**ITEM J**

September 8, 2021

RECEIVE MONTHLY LOBBYIST REPORT DATED AUGUST 2021, KEY ADVOCATES, INC., WESTERN RECYCLED WATER COALITION, PROJECT NO. 90024

**Recommendation**

Receive and file report.

**Background Information**

As lead agency for the Western Recycled Water Coalition, the District administers a contract with a lobbyist, Key Advocates, Inc. (KA), and receives a monthly summary report regarding related lobbying activities.

**Analysis**

Attached is the report for August 2021, which was produced by KA and distributed to members of the Western Recycled Water Coalition.

**Financial Impact**

None

**Attachment**

KA Monthly Report, August 2021

Reviewed by:



\_\_\_\_\_  
Thanh Vo  
Acting Engineering Services Director

cc: Project File No. P.90024.06.01





(703) 340-4666

[www.keyadvocates.com](http://www.keyadvocates.com)

August 31, 2021

To: Western Recycled Water Coalition  
From: Sante Esposito  
Subject: August Monthly Report

NOTE: Senate in recess until Sept.13; the House until Sept. 20.

### **Infrastructure Bills Generally**

Potentially two. The first – a core infrastructure bill – has passed the Senate and is pending in the House with action no later than September 27. The second - human infrastructure plus other core infrastructure items bill - is pending in both Houses given passage of the budget resolution which set in motion drafting of the bill.

### **Core Infrastructure Bill**

On August 10, the Senate passed its bipartisan core infrastructure bill - with all Democrats and 19 Republicans supporting - totaling \$550B in new spending for FY22-26. The bill is both an authorization and an appropriation bill. That means that it will make “real” money available (not just authorize it).

Of interest: the bill appropriates for FY22-26 \$12.838B for the Clean Water State Revolving Fund (CWSRF), starting at \$2.127B in FY22 and going up to \$2.828B in FY26; and, \$35.713B over five years for the Drinking Water SRF, starting at \$6.702B in FY22 and going up to \$7.403B in FY26. No appropriations are included for the Alternative Water Source Projects (AWSP) program (an authorization of \$125M over 5 fiscal years is included). For the U.S. Bureau of Reclamation (USBR), the bill appropriates \$8.3B for FY22-26 with an annual cap of \$1.66B per year. The bill lists a number of programs under USBR’s jurisdiction with specific appropriated amounts but does not specify annual funding amounts for each program. Either the Interior Appropriations bill will make that decision or the USBR. For water recycling, the bill appropriates \$1B over 5 FY’s, broken down to \$550M for Title XVI and WIIN Act grants and \$450M for “large scale” projects (those with project costs >\$500M). Again, regarding the \$550M, the bill doesn’t break this down between the two programs, presumably leaving that to either the Interior Appropriations bill or the USBR. The bill also includes \$400M over 5 FY’s for WaterSMART programs, \$1.2B for water storage and groundwater, and \$25M for desalination projects.

Other core infrastructure highlights include:

- \$110B for Roads, Bridges and Major Infrastructure Projects
- \$40B for Bridges
- \$16B for Major Surface Transportation Projects
- \$11B for Transportation Safety
- \$39B for Transit
- \$66B for Passenger and Freight Rail
- \$65B for Broadband
- \$17B for Ports
- \$25B for Airports
- \$7.5B for Zero and Low-Emission Buses and Ferries
- \$7.5B for Plug-In Electric Vehicle Chargers
- \$65B to Rebuild the Electric Grid
- \$21B for Superfund and Brownfield sites

Regarding the House, on August 24 the House agreed to vote on the Senate passed core infrastructure bill on September 27. The House rule outlining consideration of the Senate bill does NOT allow for amendments to it, thereby leaving to the human infrastructure bill the inclusion of other issues, both new and/or modified.

### **Human Infrastructure Bill**

On August 11, the Senate passed a \$3.5T budget resolution proposal. It is not a bill or a joint resolution, but rather a concurrent resolution. The President doesn't have to take any action on it - - Congress defines the funding levels for itself. The resolution does not include programs or policies – just large aggregate funding levels for each of the 19 major categories that comprise the Federal budget. The \$3.5T does assume certain things are going to happen. It directs the Senate committees to find programs under their jurisdictions that add to this number (see list below). On August 24, the House passed the Senate resolution. Passage of the budget resolution by both chambers unlocks the ability for Democrats to use reconciliation (only requires a simple majority for passage, not 60 votes in the Senate) to pass a human infrastructure bill on a party-line vote addressing health care, aid for families, the climate crisis and more (including funding for core infrastructure programs). With passage of the budget resolution by both chambers, Democrats will now move on to the reconciliation plan, which still must be drafted with a draft due by Sept.15. The goal for final action is October 1.

The Senate Budget Committee summary lists some of the items that could be addressed:

- Paid family and medical leave
- Extensions of the child tax credit, earned income tax credit, and child and dependent care tax credit
- Clean energy, manufacturing, and transportation tax incentives
- Housing incentives
- “Pro-worker” incentives
- SALT cap relief

- Medicare expansion, Affordable Care Act expansion, long-term care, and “health equity”

The summary also lists the following as possible offsets that could be considered:

- Corporate and international tax reform
- Tax fairness for high-income individuals
- IRS tax enforcement
- Health-care savings
- Carbon polluter import fee

The following are highlights from the American Families Plan (part 2 of the Biden economic recovery effort):

- \$400 billion to extend the child tax credit
- \$225 billion to subsidize and improve childcare and boost pay for childcare workers
- \$225 billion for a national paid family and medical leave program
- \$200 billion for free universal preschool
- \$200 billion to reduce Obamacare premiums
- \$109 billion for free community college
- \$85 billion to boost Pell Grants
- \$45 billion for childhood and school nutrition programs

The package would be paid for by increasing the top tax rate, hiking the capital gains tax and stepping up IRS enforcement of tax evasion.

### **Bills of Interest**

Note: all bills listed here have some relation to what is going on with the infrastructure bill. If an agreement is reached that addresses many of the issues in these bills, then we don’t expect to see these bills going forward.

#### H.R. 1015, “Water Recycling Investment and Improvement Act” and STREAM Act (“Support to Rehydrate the Environment, Agriculture and Municipalities Act”)

The major issue with this bill is getting the \$500M program authorization (WIIN Act grants). Congresswoman Napolitano is also advocating for increased Title 16 funding in general. In the Senate core infrastructure bill there is \$550M appropriated for Title XVI and WIIN, so not sure Napolitano will still continue pushing her bill if that is the outcome of the infrastructure bill. Likewise, for the STREAM Act with a \$250 M program authorization. There are certainly other issues in these bills but the pressure will be off on the authorization issue. To review, on February 11, Congresswoman Napolitano introduced H.R.1015, the same bill she introduced last Congress. It increases the WIIN Act authorization to \$500M, strikes certain requirements, and increases the Federal share from \$20 to \$30 M. Last Congress, her bill did not move on its own but was included in H.R.2, the omnibus mega infrastructure bill that passed the House but not the Senate. A hearing is expected in the near future.

The STREAM Act is a draft by Senator Feinstein for which letters of support/comments were



requested by April 15 – these are currently being reviewed. The Coalition sent a support letter noting the reauthorization of the Title XVI competitive grant program of \$250 million over 5 fiscal years, the increase in the per project maximum Federal funding contribution to \$30 million, the elimination of the requirement that Congress must approve funding awards for specific projects through designating them by name in an enacted appropriations bill, and the newly proposed Reclamation Infrastructure Finance Program. The bill also includes increased funding for and expedited congressional approval for water storage projects (\$750 million), and \$100 million for desalination projects, both over 5 fiscal years. This draft is viewed as the “son of S. 1932” which stalemated last Congress. The goal of this legislation is with Senate passage to conference with H.R.1015, the Napolitano bill, with the outcome hopefully closer to the higher Napolitano funding levels.

S. 914, “Drinking and Wastewater Infrastructure Act” and H.R. 1915, “Water Quality Protection and Job Creation Act of 2021”

S. 914 includes a \$14.6 B authorization for the CWSRF over 5 FY’s. The entire text of this bill is in the Senate passed infrastructure bill. To review, on April 28, the Senate passed the bill which provides \$14.65B over five fiscal years for the CWSRF, the same for the Drinking Water SRF, and \$125M for the AWSP and which includes the Feinstein-Padilla amendment which limits the prohibition against applying for AWSP grants to USBR projects that received construction funds. Receipt of funds for other purposes - for example, feasibility studies - would no longer be a bar as they are in existing law.

On July 1, the House passed H.R. 3684, the “INVEST in America Act” - the House version of the highway bill. Included in that bill is H.R. 1915 which provides \$40B over five fiscal years for the Clean Water SRF and \$1B for the AWSP. It also includes the same prohibition language as S. 914 regarding eligibility for recycled water projects in the AWSP – that is, projects that have received USBR construction funds would not be eligible for AWSP grants. Lastly, it includes reauthorization of the Drinking Water SRF at \$52.94B over ten fiscal years starting in FY22 (H.R. 3291).

H.R. 3404, “FUTURE Western Water Infrastructure and Drought Resiliency Act”

Again, the primary issue of interest in this bill is the \$500M authorization for the WIIN Act grant program. Per above, that has been addressed in the Senate infrastructure bill. To review, on May 21, Congressman Huffman introduced the FUTURE Act (with 10 cosponsors, all CA Dems), the same bill he drafted last Congress and which was included in H.R. 2. The bill increases the authorization of the Title XVI WIIN grant program to \$500M and the Federal cap share from \$20M to \$30M – per the Napolitano bill above. It also includes a \$300M water trust fund with \$100M earmarked for recycled water projects. Plans going forward unclear at this time.

H.R. 4099, the “Large Scale Water Recycling Project Investment Act”

The Senate infrastructure bill appropriates \$450M for large water recycling projects. To review, On June 24, Reps. Napolitano, Grijalva, Huffman and Lee introduced the above bill which establishes a competitive grant program within the Department of the Interior for large-scale

water recycling projects that have a total estimated cost of at least \$500M. The bill authorizes \$750M for the program from FY 23-27. Federal share is 25% but there is provision for increasing that. Projects must be within one of the USBR 17 western states.

Also, on July 14, the Senate Energy and Natural Resources Committee marked up its title to the infrastructure bill that includes the following: \$1B for water recycling and reuse projects, of which \$550M is for projects authorized by Congress or selected for funding under the Title XVI WIIN grant program, and \$450M is for large-scale recycling and reuse projects (total estimated cost of \$500M or more, 25 percent Federal cost share, no total dollar cap); \$400M for WaterSMART grants; \$1.15B for water storage, groundwater storage and conveyance projects; \$3.2B for aging water infrastructure; \$1B for rural water projects; \$250M for water desalination projects; \$500M for dam safety programs; \$300M for implementing the Colorado River Basin Drought Plan; \$100M for watershed management projects; \$250M for aquatic ecosystems; \$100M for multi-benefit projects; and, \$50M for endangered species programs.

### **H.R. 3112, “Western Water Recycling and Drought Relief Act of 2021”**

On May 11, Congressman McNerney introduced the Coalition’s projects bill with three cosponsors – Reps. Swalwell, Eshoo and Panetta. On June 21 an email, with the official text of the bill, was sent to Angela Ebner in Senator Padilla’s office with the request that the Senator introduce it. Ebner said she would get us an answer either during the recess or shortly thereafter.

### **FY22 Appropriations Generally**

To date, the House has passed 9 of 12 FY22 appropriations bills, with one ready to go after the recess and 2 un-decided. The Senate Appropriations Committee has marked up its FY22 Energy and Water, Agriculture and VA bills.

### **FY22 “Water” Appropriations Bills**

The House has passed its FY22 Energy and Water and Interior Appropriations Bills which provide \$1.871B for the Clean Water SRF, \$1.358B for the Drinking Water SRF, \$75M for WaterSMART grants, and \$63.617M for Title XVI grants, of which \$10M is for Title XVI WIIN grants. Included in the Senate marked up Energy and Water bill is \$32M for Title XVI (of which \$20M is for WIIN grants) and \$48M for WaterSMART grants. No action to date on the Senate Interior Appropriations Bill.

### **Earmarks**

In the House, Congressman McNerney submitted the Ironhouse \$3M State and Tribal Assistance Grants (STAG) request to the House Appropriations Committee and it was included in the House Interior Appropriations Bill. In the Senate, Ironhouse submitted the same request to Senator Feinstein. Feinstein did not submit the Ironhouse request to the Senate Appropriations Committee.

Also, in the Senate, Monterey One Water submitted to both Senators Feinstein and Padilla

requesting \$7.2M to expand Pure Water Monterey. Feinstein did not submit the request to the Appropriations Committee. Senator Padilla did. The decision by the Appropriations Committee to include the Padilla Monterey request in its Interior Appropriations Bill is pending.

### **Bill Tracking**

We are taking a different approach on bill tracking. Hundreds of bills (not counting numerous reports, markups, publications and congressional record citations) are introduced and the numbers increase daily - for example, as of August 31, there have been 617 water bills and 1442 infrastructure bills introduced since January. Many are not relevant to our issues and most never get beyond the introduction stage. Therefore, what we are going to do is focus on bills that are marked up by committees and/or come to our attention and identify and report on those of interest. Markup of a bill demonstrates a level of importance and interest.