

RECORD RETENTION AND DESTRUCTION POLICY

This policy applies only to the conduct of Downtown Chico Business Association (“DCBA”). It has no application to communications to or from Directors in their other public and private capacities or communications to or from the DCBA staff that are personal, private, or otherwise not DCBA related.

Statement of Policy

This policy covers all records and documents of Downtown Chico Business Association (“DCBA”), related in some substantial way to the Downtown Business Improvement District (“DBID”) business regardless of physical form or type of account used in preparation or transmission, and contains guidelines for how long certain documents should be kept and how records should be destroyed. This policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records, and to facilitate the operation of DCBA and the DBID by promoting efficiency and freeing up valuable storage space.

Retention Schedule And Administration

DCBA’s Record Retention Schedule is set forth in Appendix A. The Executive Director (“Administrator”) shall administer this Policy. The Administrator is also authorized to:

- make modifications to the Record Retention Schedule from time to time to ensure that it is in compliance with local, state, and federal laws and includes the appropriate document and record categories for DCBA and the DBID;
- monitor local, state, and federal laws affecting record retention; annually review the record retention and disposal program;
- and monitor compliance with this policy.

Electronic Documents And Records

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types in Appendix A will be maintained for the appropriate amount of time.

Definitions

1. Email Message: An electronic communication sent and received via webmail or email client.
2. Social Media: Information posted to websites and applications that enable users to create and share content or to participate in social networking, including Facebook, Twitter, Instagram, Snapchat, and LinkedIn.
3. Text Message: An electronic, written communication sent and received via telephone or Internet connection.
4. Voicemail Message: An electronic, oral communication sent or received via telephone or Internet connection.

Text Messages, Voicemail Messages, and Social Media

Text messages, voicemail messages, and social media posts not saved to an archive or a more permanent medium are intended to be ephemeral documents, not preserved in the ordinary course of business. Accordingly, they do not constitute disclosable public records, as that term is defined by Government Code section 6252, subdivision (e). DCBA’s directors, officers, employees, volunteers, or agents are not required to retain these electronic documents. Business done on behalf of DCBA that requires the creation and preservation of records should be conducted in other media.

Email Messages

1. Email messages sent or received by DCBA's server are intended to be ephemeral and exempt from disclosures unless necessary for DBID purposes. In that case, emails shall be preserved in an email archive in paper or electronic form and retained for at least two (2) years and made available for public disclosure (except for privilege and other bases for non-disclosure) as other records of the DBID subject to the California Public Records Act (i.e., those involving DBID assessment-funded activities).
2. Except as provided in point 3 below, DCBA's directors, officers, employees, volunteers, or agents are required to copy DBIDrecords@explorebuttecounty.com on all email messages regarding matters of DBID business. Such email messages fall within point 1 above, i.e., they will be preserved for two (2) years and made available for public inspection on the same terms as other DCBA records.
3. Board Members need not copy DBIDrecords@explorebuttecounty.com on email messages to and from residents, business owners and property owners within the DBID's jurisdiction that are not addressed or copied to any other DCBA officials and employees, and these email messages fall outside points 1 and 2 above. This is intended to provide privacy to private parties who wish to engage with DCBA relative to the DBID and avoid publicizing their email addresses. Nor need these officials copy DBIDrecords@explorebuttecounty.com on email traffic in their personal, political and professional lives unrelated to DBID business. These email messages, too, fall outside points 1 and 2 above.
4. DCBA will comply with Government Code § 54957.5 which deems to be a public record any document communicated to a majority of the Board or applicable committees regarding DBID-funded activity, whether at the same time or seriatim, with respect to an item of DBID business regardless of the means of that communication, including via non-DCBA email accounts. Directors and committee members are encouraged to forward such email messages not copied to Chamber staff to DBIDrecords@explorebuttecounty.com so they can be preserved in DCBA's email retention system, relieving individual Directors and Committee Members of any duty to preserve such email messages or make them available for public inspection.
5. As provided in points 1, 2 and 4 above, and except as provided in point 3 above, DCBA's directors, committee members, officers, employees, volunteers, or agents shall conduct all email communications in the course of DBID business, other than communications with individual constituents, via email messages copied to DBIDrecords@explorebuttecounty.com

California Public Records Act Requests

Whenever DCBA receives a California Public Records Act request, the recipient shall immediately forward the request to the Administrator. The Administrator and legal counsel will review any such records and documents to protect the inadvertent disclosure of non-responsive information or protected information exempt from disclosure.

Suspension Of Record Disposal In The Event Of Litigation Or Claims

No director, committee member, officer, employee, volunteer, or agent of DCBA shall destroy, dispose of, conceal, or alter any record or document while knowing that it is or may be relevant to an anticipated or ongoing investigation or legal proceeding conducted by or before a federal, state, or local government agency, including tax and regulatory agencies, law enforcement agencies, and civil and criminal courts, or an anticipated or ongoing internal investigation, audit, or review conducted by DCBA.

During the occurrence of an anticipated or ongoing investigation or legal proceeding as set forth above, the Administrator shall suspend any further disposal of documents until such time as the Administrator, with the advice of counsel, determines otherwise. The Administrator shall take such steps as necessary to promptly inform all staff and the Board of Directors of any suspension in the further disposal of documents.

This Policy was approved by the Executive Committee of Directors of Downtown Chico Business Association on March 23, 2023

Secretary of the Board

Date

Appendix A: Records Retention Schedule

Type of Document	Minimum Requirement
Accounts payable ledgers and schedules	7 years
Audit reports	Permanently
Bank reconciliations	2 years
Bank statements	3 years
Checks (for important payments and purchases)	Permanently
Contracts, mortgages, notes, and leases (expired)	7 years
Contracts (still in effect)	Contract period
Correspondence (general and electronic mail)	2 years
Correspondence (legal and important matters)	Permanently
Correspondence (with customers and vendors)	2 years
Deeds, mortgages, and bills of sale	Permanently
Depreciation schedules	Permanently
Duplicate deposit slips	2 years
Electronic Documents (Social Media, Text Messages, Voicemail)	30 Days
Employment applications	3 years
Expense analyses/expense distribution schedules	7 years
Year-end financial statements	Permanently
Insurance records, current accident reports, claims, policies, and so on (active and expired)	Permanently
Internal audit reports	3 years
Inventory records for products, materials, and supplies	3 years
Invoices (to customers, from vendors)	7 years
Minute books, bylaws, and charter	Permanently
Patents and related papers	Permanently

Payroll records and summaries	7 years
Personnel files (terminated employees)	7 years
Retirement and pension records	Permanently
Tax returns and worksheets	Permanently
Timesheets	7 years
Trademark registrations and copyrights	Permanently
Withholding tax statements	7 years