

RESOLUTION 2017-10

MARIN CLEAN ENERGY

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
MARIN CLEAN ENERGY DELEGATING AUTHORITY FOR DESTRUCTION OF NON-
JUDICIAL PUBLIC RECORDS**

WHEREAS, Marin Clean Energy (MCE) is a joint powers authority established on December 19, 2008, and organized under the Joint Exercise of Powers Act (Government Code Section 6500 et seq.); and

WHEREAS, MCE members include the following communities: the County of Marin, the County of Napa, the City of American Canyon, the City of Belvedere, the City of Benicia, the City of Calistoga, the Town of Corte Madera, the City of El Cerrito, the Town of Fairfax, the City of Lafayette, the City of Larkspur, the City of Mill Valley, the City of Napa, the City of Novato, the City of Richmond, the Town of Ross, the Town of San Anselmo, the City of San Pablo, the City of San Rafael, the City of Sausalito, the City of St. Helena, the Town of Tiburon, the City of Walnut Creek, and the Town of Yountville; and

WHEREAS, on August 18, 2016 the MCE Board approved an amended records retention policy and schedule, known as Policy No. 003: Records Retention; and

WHEREAS, MCE has an obligation to maintain its records in accordance with government laws and regulations and accepted records management practices; and

WHEREAS, there are potentially significant costs to maintaining records beyond their useful life as such records otherwise burden MCE's electronic and paper storage space and capacity; and

WHEREAS, the purpose of a retention schedule is to establish a pattern for the orderly maintenance and destruction of records on a continuing basis; and

WHEREAS, Sections 26200 *et seq.* of the Government Code provide the relevant procedures for destruction of public records; and

WHEREAS, pursuant to Section 26205.1(a) of the Government Code the Board may delegate to MCE staff the authority to destroy any non-judicial public record, paper, or document if the record, paper, or document is otherwise reproduced in accordance with State law, including, but not limited to, Section 12168.5 of the Government Code; and

WHEREAS, pursuant to Section 26205.1(b) of the Government Code the Board may delegate to MCE staff the authority to destroy any record not expressly required by law to be filed and preserved, without creating an alternate copy or the need for those records to be listed on a Board-approved records retention schedule; and

WHEREAS, pursuant to Section 26202 of the Government Code the Board may, by a four-fifths vote, authorize the destruction of records prepared or received pursuant to state or federal statute where those records have been maintained for the required

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period of time and the Board has determined the retention of those records is no longer necessary or required for MCE purposes, except for records required by law to be maintained in perpetuity, the destruction of which records the Board may not authorize; and

WHEREAS, MCE's retention schedules will be reviewed regularly by the appropriate MCE operations and legal staff, and any necessary amendments will be brought before the Board.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of MCE as follows:

1. The foregoing recitals are true and correct.
2. MCE staff is authorized to destroy or dispose of duplicate records, papers, or documents the originals or permanent photographic reproductions of which are on file with any MCE officer or director.
3. Staff is authorized to destroy any non-judicial public record, paper, or document, including those records prepared or received pursuant to state or federal law, if the record, paper, or document is otherwise reproduced in accordance with State law, including, but not limited to, Government Code section 12168.5.
4. Pursuant to Section 26205.1(b) of the Government Code the Board hereby delegates to the Director of Internal Operations and designees the authority as custodian of records to destroy any record not required by applicable law to be maintained, and/or for which any statutory retention period has expired, without creating an alternate copy or need for those records to be specifically listed on a Board-approved records retention schedule. Categories of records subject to a statutory retention period shall be identified on the Board-approved records retention schedule, to be amended as needed and submitted to the Board for approval.

PASSED AND ADOPTED at a regular meeting of the MCE Board of Directors on this 20th day of July, 2017, by the following vote:

	AYES	NOES	ABSTAIN	ABSENT
City of American Canyon				✓
City of Belvedere	✓			
City of Benicia	✓			
City of Calistoga				✓
Town of Corte Madera	✓			
City of El Cerrito	✓			
Town of Fairfax	✓			
City of Lafayette	✓			
City of Larkspur	✓			
County of Marin	✓			
City of Mill Valley	✓			
City of Napa				✓
County of Napa				✓
City of Novato	✓			
City of Richmond	✓			
Town of Ross	✓			
Town of San Anselmo				✓
City of San Pablo	✓			
City of San Rafael	✓			
City of Sausalito	✓			
City of St. Helena				✓
Town of Tiburon	✓			
City of Walnut Creek	✓			
Town of Yountville				✓


 CHAIR, MCE BOARD

Attest:

 SECRETARY, MCE BOARD

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