

Sacramento Housing and Redevelopment Agency (Agency) Conflict of Interest Code

regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, 18 nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

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32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations. Submitted to OAL for filing and printing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, 20 April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50.)

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Attachment 1

SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY DISCLOSURE CATEGORIES

Category 1:

- a. Interest in real property located within the City and County of Sacramento (excluding your primary residence [owned or leased]);
- b. All income, loans and gifts, investments, positions and ownership interests in any business located in or doing business in the City or County of Sacramento and/or doing business with any entity administered by the Sacramento Housing and Redevelopment Agency; and
- c. All sources of income, loans and gifts from individuals residing in the City or County of Sacramento, doing business in the City or County of Sacramento and/or doing business with any entity administered by the Sacramento Housing and Redevelopment Agency.

Category 2:

- a. Interest in real property located within the City and County of Sacramento, (excluding your primary residence [owned or leased]);
- b. Income, loans and gifts, investments, positions and ownership interest in any business with any entity administered by the Sacramento Housing and Redevelopment Agency and/or doing business which relates to the types of activities carried on by these entities (e.g., real property construction and management, material and supplies for real property maintenance and construction, general office supplies and services, consulting and services relating to all property development and management businesses located in or near Agency owned housing developments); and
- c. All sources of income, loans and gifts from individuals residing in the City or County of Sacramento, doing business in the City or County of Sacramento and/or doing business with any entity administered by the Sacramento Housing and Redevelopment Agency.

Category 3:

- a. Interest in any real property improved for residential purposes or zoned for residential use located within the City or County of Sacramento (excluding your primary residence [owned or leased]);
- b. Income, loans and gifts, investments, positions and ownership interest in any business with any entity administered by the Sacramento Housing and Redevelopment Agency and/or doing business which relates to the types of

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activities carried on by these entities (e.g., real property construction and management, material and supplies for real property maintenance and construction, general office supplies and services, consulting and services relating to all property development and management businesses located in or near Agency owned housing developments); and

- c. All sources of income, loans and gifts from individuals residing in the City or County of Sacramento, doing business in the City or County of Sacramento and/or doing business with any entity administered by the Sacramento Housing and Redevelopment Agency.

Category 4:

- a. Income, loans and gifts, investments, positions and ownership interest in any business with any entity administered by the Sacramento Housing and Redevelopment Agency and/or doing business which relates to the types of activities carried on by these entities (e.g., real property construction and management, material and supplies for real property maintenance and construction, general office supplies and services, consulting and services relating to all property development and management businesses located in or near Agency owned housing developments); and
- b. All sources of income, loans and gifts from individuals residing in the City of County of Sacramento, doing business in the City or County of Sacramento and/or doing business with any entity administered by the Sacramento Housing and Redevelopment Agency Sacramento Housing and Redevelopment Agency (Agency) Conflict of Interest Code (Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.).

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Federal Requirements that apply to all SHRA designated filers.

2 CFR 200.112 (Uniform Administrative Requirements for Federal Awards)

The Federal awarding agency must establish conflict of interest policies for Federal awards. The non-Federal entity must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

24 CFR 982.161 (Housing Choice Voucher/Section 8 Conflict of interest Requirements)

(a) Neither the Public Housing Authority (PHA) nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the Housing Choice Voucher (HCV) program in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

- (1) Any present or former member or officer of the PHA (except a participant commissioner);
- (2) Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs;
- (3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or
- (4) Any member of the Congress of the United States.

(b) Any member of the classes described in paragraph (a) of this section must disclose their interest or prospective interest to the PHA and United States Department of Housing and Urban Development (HUD).

(c) The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

24 CFR 982.151 – Section 19 - Annual Contributions Contract (ACC) – Housing Authority (HA) Conflict of Interest

(A)(I) In addition to any other applicable conflict of interest requirements, neither the HA nor any of its contractors or their subcontractors may enter into any contract, subcontract, or arrangement in connection with a project under this ACC in which any of the following classes of people has an interest, direct or indirect, during his or her tenure or for one year thereafter:

- (i) Any present or former member or officer of the governing body of the HA, or any member of the officer's immediate family. There shall be excepted from this prohibition any present or former tenant commissioner who does not serve on the

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governing body of a resident corporation, and who otherwise does not occupy a policymaking position with the resident corporation, the HA or a business entity.

(ii) Any employee of the HA who formulates policy or who influences decisions with respect to the project(s), or any member of the employee's immediate family, or the employee's partner.

(iii) Any public official, member of the local governing body, or State or local legislator, or any member of such individuals' immediate family, who exercises functions or responsibilities with respect to the project(s) or the HA.

(2) Any member of these classes of persons must disclose the member's interest or prospective interest to the HA and HUD.

(3) The requirements of this subsection (A) (1) may be waived by HUD for good cause, if permitted under State and local law. No person for whom a waiver is requested may exercise responsibilities or functions with respect to the contract to which the waiver pertains.

(4) The provisions of this subsection (A) shall not apply to the General Depository Agreement entered into with an institution regulated by a Federal agency, or to utility service for which the rates are fixed or controlled by a State or local agency.

(5) Nothing in this section shall prohibit a tenant of the HA from serving on the governing body of the HA.

(B)(l) The HA may not hire an employee in connection with a project under this ACC if the prospective employee is an immediate family member of any person belonging to one of the following classes:

- (i) Any present or former member or officer of the governing body of the HA. There shall be excepted from this prohibition any former tenant commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policymaking position with the HA.
- (ii) Any employee of the HA who formulates policy or who influences decisions with respect to the project(s).
- (iii) Any public official, member of the local governing body, or State or local legislator, who exercises functions or responsibilities with respect to the project(s) or the HA.

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(2) The prohibition referred to in subsection (B) (l) shall remain in effect throughout the class member's tenure and for one year thereafter.

(3) The class member shall disclose to the HA and HUD the member's familial relationship to the prospective employee.

(4) The requirements of this subsection (B) may be waived by the HA Board of Commissioners for good cause, provided that such waiver is permitted by State and local law.

(C) The requirements of subsections (A) and (B) of this section do not apply to contracts entered into by an Indian Housing Authority, its contractors or subcontractors, although such contracts remain subject to other applicable conflict of interest requirements.

(D) For purposes of this section, the term "immediate family member" means the spouse, mother, father, brother, sister, or child of a covered class member (whether related as a full blood relative, or as a "half" or "step" relative, e.g., a half-brother or stepchild).

2 CFR 200.318 General Federal Procurement Standards regarding Conflict of Interest

(a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c) (1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the sell section, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for

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disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(c) (2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also § 200.213 Suspension and debarment.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j) (1) The non-Federal entity may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

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(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(j) (2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

24 CFR 570.611 – Community Development Block Grant (CDBG) Program requirements regarding Conflict of Interest

(a) *Applicability.*

(1) In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict of interest provisions in 2 CFR 200.317 and 200.318 shall apply.

(2) In all cases not governed by 2 CFR 200.317 and 200.318, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to § 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to § 570.203, 570.204, 570.455, or 570.703(i)).

(b) ***Conflicts prohibited.*** The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the Urban Development Action Grant (UDAG) program, the above restrictions shall apply to all activities that are a part of the

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UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) *Exceptions.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) *Threshold requirements.* HUD will consider an exception only after the recipient has provided the following documentation:

(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

(iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

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SHRA Designated Positions

Designated position	Change	Disclosure Category
AGENCY CLERK	No change	1
AGENCY COUNSEL	No change	1
ASSET MANAGER	New Position	1
ASSISTANT AGENCY CLERK	New Position	1
ASSISTANT DIRECTOR (includes Assistant Directors in all departments)	No change	1
CHIEF FINANCIAL OFFICER	New Position	1
COMMUNITY DEVELOPMENT ANALYST 1, 2, or 3	No change	2
COMPLIANCE/PROCUREMENT ANALYST	No change	1
CONSTRUCTION ARCHITECT	New Position	3
CONSTRUCTION ENGINEER	New Position	3
CONSTRUCTION TECHNICIAN	No change	3
CONTRACT ADMINISTRATOR	No change	1
DEPUTY EXECUTIVE DIRECTOR	No change	1
DIRECTOR (includes Directors in all departments)	No change	1
ENGINEERING PROJECT MANAGER	New Position	1
EXECUTIVE DIRECTOR	No change	1
FACILITIES COORDINATOR	New Position	3
GENERAL COUNSEL	No change	1
GRANT WRITER	New Position	2
HOUSING PROGRAM – SPECIALIST - HCV & HSG	No change	3
HOUSING AUTHORITY ANALYST – HCV & HSG	No change	3
HOUSING FINANCE ANALYST - RANGE 1, 2 or 3	No change	2
HOUSING PROGRAM TECHNICIAN 1 or 2	No change	3
HOUSING SERVICES COORDINATOR	No change	3

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Designated position	Change	Disclosure Category
HUMAN RESOURCE ANALYST	New Position	3
IT APP/DEV ANALYST	No change	4
IT BUSINESS ANALYST	No change	4
IT NETWORK/MIDRANGE SPECIALIST	No change	4
LEASING AGENT	New Position	3
LOAN ADMINISTRATOR	No change	2
LOAN SERVICING ANALYST	No change	2
MANAGEMENT ANALYST (includes Environmental Analyst and Risk Services Manager positions)	No change	1
MAINTENANCE LEAD	No change	3
MAINTENANCE SPECIALIST – (includes Stationery Engineer and Fire and Life Safety Specialist)	No change	3
PORTFOLIO MANAGER	New Position	2
PRINCIPAL CONSTRUCTION ARCHITECT/CONSTRUCTION ENGINEER	No change	2
PRINCIPAL CONSTRUCTION TECHNICIAN	No change	2
PRINCIPAL HOUSING AUTHORITY ANALYST – HCV or HSG	No change	3
PRINCIPAL LOAN PROCESSING ANALYST	No change	2
PRINCIPAL REGULATORY COMPLIANCE ANALYST	No change	2
PROGRAM INTEGRITY ANALYST	No change	2
PROGRAM MANAGER (also includes Design/Construction, Finance, HCV, HSG, HR, Real Estate, Community Development, Portfolio Management and IT Managers)	No change	1

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Designated position	Change	Disclosure Category
PROJECT MANAGER	No change	1
PUBLIC INFORMATION OFFICER	No change	1
REAL ESTATE ANALYST	New Position	1
REAL ESTATE COORDINATOR	No change	1
REAL ESTATE SPECIALIST	New Position	1
REDEVELOPMENT ANALYST RANGE 1, 2 or 3	No change	3
REDEVELOPMENT PLANNER - RANGE 1, 2, or 3	No change	2
REDEVELOPMENT SPECIALIST 1, 2, OR 3	No change	2
REGIONAL MANAGER	New Position	1
REGULATORY COMPLIANCE ANALYST	No change	2
SECTION 3 ADMINISTRATOR	New Position	1
SENIOR HR ANALYST	No change	1
SENIOR LOAN SERVICING ANALYST	No change	2
SENIOR MANAGEMENT ANALYST	New Position	1
SENIOR PROGRAM ANALYST – PROMISE ZONE COORDINATOR	No change	2
SITE MANAGER I/II	No change	2
STAFF MANAGER	New Position	1
SUPERVISOR (includes Homeownership, Housing Authority, Resident Services and Procurement Supervisors)	No change	1
SHRA COMMISSION MEMBERS	No change	1
CITY AND COUNTY HOUSING AUTHORITY BOARD MEMBERS	New Position	1
LOAN COMMITTEE MEMBERS	No change	1
CONSULTANTS/NEW POSITIONS	No change	1

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CONSULTANTS

Definition: A "consultant" for purposes of this Code is a natural person: (1) who provides, under contract, information, advise, recommendation or counsel to a local government agency; and (2) whose consulting position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. "Natural person" includes only the specific individual or individuals providing the consulting services, and does not include the corporate or other business entity which employs the individual.

Exclusions: The term :consultant excludes a person who: (1) conducts research and arrives at conclusions with respect to his or her rendition of information, advise, recommendation or counsel independent of the control and direction of the agency or any Agency official, other than normal contract monitoring; and (2) possesses no authority with respect to any Agency decision beyond the rendition of information, advice, recommendation or counsel. A person who provides consulting services, advice, information, recommendations or counsel on a regular basis, is not excluded. However, persons hired to produce a finished product or study, construct a project, represent the Agency in a piece of litigation, or conduct similar activities on an ad hoc basis are excluded.

Where a natural person is a "consultant" as defined above, such person is a designated employee under government code Section 82019 and is deemed to make or participate in the making of decisions which may foreseeably have a material effect on any financial interest.

Except as otherwise set forth in this Code, any reference hereto to "designated employee" shall include a natural person who is a consultant covered by this Code.

The Executive Director or designated representative, shall make the initial determination as to whether a person qualifies as a consultant under this code. In making such determination, the Executive Director or designated representative may consult with and rely upon the advise of the Agency's General Counsel.

The disclosure categories for a consultant who is subject to this Code shall be the broadest group of categories for the employees of the of the Agency, provided, however, that the Executive Director or designated representative may select a lesser group of categories where the circumstances so warrant.

The requirements of this code shall be included in the contract which is entered into between the Agency and the consultant.

May 20, 2020



**Sacramento Housing and Redevelopment Commission
Sacramento, California**

Honorable Members in Session:

**SUBJECT Approval of Updated Records Management Policy and Retention /
Disposition Schedule for the Sacramento Housing and Redevelopment Agency**

RECOMMENDATION

Staff recommends approval of the attached resolution which 1) adopts an updated Records Management Policy and Retention/Disposition Schedule for the Sacramento Housing and Redevelopment Agency (Agency), and 2) authorizes disposition of certain records as outlined in the document.

CONTACT PERSONS

James Shields, Deputy Executive Director, 916-440-1319
Brad Nakano, General Counsel, 916-440-1330
Vickie Smith, Agency Clerk, 916-440-1363

BACKGROUND

This report recommends the adoption of an updated Agency-wide records retention schedule which outlines requirements for the retention and disposition of various Agency records. The Agency's original Retention Schedule was approved in August of 2009 and at that time, the City Council and County Board of Supervisors, along with the City and County Housing Authority Boards, delegated authority for future revisions to the Sacramento Housing and Redevelopment Commission. The updated policy provides staff with specific guidelines and procedures to follow related to records management, retention, and disposition and has been updated to reflect all current state and federal requirements. The adoption of a retention schedule and records policy allows for consistent procedures and helps ensure compliance with various laws related to the funding administered by the Agency.

FINANCIAL CONSIDERATIONS

There are no financial implications associated with this report.

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POLICY CONSIDERATIONS

No policy changes are recommended.

ENVIRONMENTAL REVIEW

This report is not a project as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15378 (b) (5). The National Environmental Policy Act (NEPA) does not apply.

M/WBE AND SECTION 3 CONSIDERATIONS

The items discussed in this report have no M/WBE or Section 3 impact; therefore, M/WBE considerations do not apply.

Respectfully submitted,



LA SHELLE DOZIER
Executive Director

Attachments

- 1 -- Resolution
- 2 -- Records Management Policy and Retention/Distribution Schedule

RESOLUTION NO. SHRC-_____

ADOPTED BY THE SACRAMENTO HOUSING AND REDEVELOPMENT COMMISSION UNDER THE AUTHORITY DELEGATED TO THE COMMISSION PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, SECTION 33202 BY RESOLUTION NO. RA 81-083 ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO ON OCTOBER 20, 1981, AND BY RESOLUTION NO. RA-83 ADOPTED BY THE REDEVELOPMENT AGENCY OF THE COUNTY OF SACRAMENTO ON OCTOBER 27, 1981, AND PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34292 BY RESOLUTION NO. HA 81-098 ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO ON OCTOBER 20, 1981, AND BY RESOLUTION NO. HA-1497 ADOPTED BY THE HOUSING AUTHORITY OF THE COUNTY OF SACRAMENTO ON OCTOBER 27, 1981.

ON DATE OF

May 20, 2020

ADOPTION OF AN UPDATED RECORDS MANAGEMENT AND RETENTION/DISPOSITION SCHEDULE AND AUTHORIZATION TO DESTROY CERTAIN RECORDS

WHEREAS, the Sacramento Housing and Redevelopment Agency (SHRA) provides staff services to the City and the County of Sacramento, and the Housing Authorities for the City and the County of Sacramento for the purpose of carrying out the housing and redevelopment functions within the City and the County and devising, proposing, conducting, evaluating, and administering public social service programs which may from time to time be approved by both City and County for joint administration, and

WHEREAS, in the course of performing such services, SHRA generates records, papers and documents and has a need for an orderly and controlled plan for the retention, management and systematic destruction of such records, papers, and documents, and

WHEREAS, on August 11, 2009 the City and County approved a Records Retention Schedule for SHRA (City Council Resolution No. 2009-522, City Housing Authority Resolution No. 2009-014, County Board of Supervisors Resolution No. 2009-0625, County Housing Authority Resolution No. 2009-2312) and at that time delegated authority for future revisions to the SHRA Commission, and

WHEREAS, Section 6509 of the California Government Code requires that SHRA exercise its powers subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party has been designated to be the County of Sacramento by the Joint Powers Agreement, and

WHEREAS, Government Code section 26202 provides that the legislative body of the County of Sacramento may authorize the destruction or disposition of any record, paper, or document which is more than two years old and was received in any manner other than pursuant to a state statute or county charter, and

WHEREAS, Government Code section 26202 provides that the legislative body may, by a 4/5 vote, authorize the destruction of any record, paper, or document that is over two years old, which was prepared or received pursuant to a state statute, and which is not expressly required by law to be filed and preserved, if the legislative body determines that the record is no longer necessary for County purposes, and

**Adoption Of An Updated Records Management And Retention/Disposition Schedule And
Authorization To Destroy Certain Records**

Page 2

WHEREAS, Government Code section 26201 provides that the legislative body may authorize the destruction, at any time, of duplicate copies of records, and

WHEREAS, the Executive Director has determined that certain records in her possession have no apparent historical significance and have no further administrative or programmatic value, and therefore, is seeking continuing authorization to destroy the records and documents set forth in the attached retention and disposition schedule..

NOW THEREFORE, BE IT RESOLVED BY THE SACRAMENTO HOUSING AND REDEVELOPMENT COMMISSION:

Section 1. The Sacramento Housing and Redevelopment Agency Records Management Policy and Retention/Disposition Schedule attached is hereby approved and adopted.

Section 2. The Executive Director, or her designee, is hereby granted authority to destroy certain records as outlined in the attached Records Management Policy and Retention/Disposition Schedule.

CHAIR

ATTEST:

CLERK



**SACRAMENTO HOUSING AND
REDEVELOPMENT AGENCY
RECORDS MANAGEMENT POLICY AND
RETENTION/DISPOSITION SCHEDULE**

**Approved on May 20, 2020
Supersedes version adopted on August 11, 2009**

**SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY
RECORDS MANAGEMENT POLICY AND RETENTION/DISPOSITION SCHEDULE**

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I. INTRODUCTION

The Sacramento Housing and Redevelopment Agency (“SHRA” or “Agency”) Records Management Policy and Retention/Disposition Schedule is intended to establish guidelines, policies and procedures for the retention and disposition of SHRA’s Records in accordance with their administrative, legal, fiscal and historical value. Records document the SHRA’s functions, programs, policies, decisions, procedures, and essential transactions, including records necessary to protect the legal and fiscal rights of SHRA and the civic and legal rights of private citizens directly affected by SHRA’s activities.

II. GENERAL POLICY

1. **Purposes.** The purposes of this Policy are to:
 - A. Preserve records that document SHRA’s functions, programs, policies, decisions, procedures, and essential transactions in full compliance with all applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any grant award or contract.
 - B. Ensure the identification, retention and timely disposition of transitory and temporary records and the identification and retention of permanent records in accordance with the Record Retention and Disposition Schedule.
 - C. Provide a safeguard for maintaining an environment of quality, integrity and security of critical information resources.
2. **Application.** This Policy applies to all Administrative and Program Records regardless of format, whether they are paper or electronic. However, nothing herein shall prevent SHRA from complying with applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any grant award or contract.
3. **Unauthorized Activities.** Records that are the property of SHRA shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of except as provided for in this Policy.
4. **Litigation, Claims, Audits and Investigations.** The Retention Periods set forth in the Record Retention and Disposition Schedule shall not apply to records that are otherwise eligible for disposition, but which may be relevant to pending, threatened or anticipated litigation, claim,

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audit or investigation involving SHRA. Once a Department Responsible for a Specific Record (“Responsible Department” as defined below) becomes aware of the existence of such litigation, claim, audit or investigation, the Department shall retain all records related to such matters until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later. When the Responsible Department has reason to believe that another SHRA department has records that relate to pending, threatened or anticipated litigation, claim, audit or investigation, they shall notify those departments, instrumentalities and/or affiliates of the need to retain such records. Adoption of this Policy does not relieve or otherwise affect the pre-existing obligation to maintain records related to a matter under litigation, claim, audit or investigation.

III. DEFINITIONS

Administrative Records means records that document or contain valuable information related to the organization, functions, policies, decisions, procedures, operations, or other business activities of SHRA.

Governing Boards means the Sacramento City Council, the Sacramento County Board of Supervisors, the Housing Authority of the City of Sacramento, the Housing Authority of the County of Sacramento, or SHRA Commission which constitute SHRA’s official governing boards.

Damaged Records means records damaged by water, fire, or other forms of contamination during natural and man-made disasters.

Responsible Department means the SHRA department determined to be the holder of an official record.

“Disposition” or “Disposed” means the destruction and disposal of records that no longer have administrative, legal, fiscal or historical value. Records selected for disposition shall be disposed of according to the requirements of the Record Retention and Disposition Schedule.

Electronic Record means a computer-readable record that is created, generated, sent, received, and/or stored by electronic means.

HUD means the U.S. Department of Housing and Urban Development.

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Imaged means the process of converting a document from physical paper format to an electronic digital image file.

Obsolete Records means records that no longer have administrative, legal, fiscal or historical value. Obsolete Records shall be disposed of according to the Record Retention and Disposition Schedule.

Permanent Records means Records that are required by federal or state law or regulation or this Policy to be permanently retained and which are ineligible for Disposition unless they are copied to an appropriate electronic format or placed on an optical imaging system under procedures to be developed by the Records Official to ensure the integrity, accuracy, and reliability of the image. SHRA's Permanent Records are identified in this Policy and the Record Schedule.

Program Records means records that document the organized substantive or unique functions for which SHRA is responsible.

Record or **Records** means any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by SHRA regardless of physical form or characteristics. Per Government Code section 6250 of the Public Records Act, "writing" as used in this definition means any handwriting, typewriting, printing, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Record Retention and Disposition Schedule or **Retention Schedule** means the list of all records produced or maintained by SHRA and the actions taken with regards to those records. The Retention Schedule is SHRA's legal authority to receive, create, retain and dispose of official records. It assists in documenting which Records require temporary storage, which records have historic or research value, and which records should be destroyed because they no longer have any administrative, fiscal, or legal value. In the event of litigation, SHRA may use the Retention Schedule to establish the "normal course of doing business."

Records Official means the SHRA Agency Clerk, or their designee.

Retention Period means the length of time a record must be retained to fulfill its administrative, legal, fiscal and historical function.

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Temporary Records means records that have at least some administrative, legal, fiscal or historical value. Retention and disposition requirements for Temporary Records are set forth in this Policy and the Record Schedule.

Transitory Records means records that have very short-lived business, financial, legal, research or historical value. This Policy provides that Transitory Records may be disposed in an appropriate manner once their value as business, financial, legal, research or historical records have expired.

IV. RECORDS MANAGEMENT RESPONSIBILITIES

1. **Governing Boards.** Approval of the City, County and SHRA Commission is required for substantive changes made to this Policy.
2. **Records Official.** The Records Official or designee shall be responsible for the following:
 - A. Maintaining the Record Schedule in compliance with this Policy and all applicable laws, regulations, guidelines, policies and procedures.
 - B. Developing and implementing procedures related to the transfer of records to storage.
 - C. Developing and implementing appropriate records management training.
 - D. Overseeing the timely disposition of records in accordance with the retention schedule.
 - E. Obtaining Governing Board approval on substantive amendments to this policy when necessary or advisable.
 - F. Developing policies, procedures and guidelines as are necessary to implement this Policy.

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3. **Managers and Supervisors.** SHRA's Managers and Supervisors shall be responsible for the following:

- A. Treating records in their custody as the property of SHRA and following all applicable laws, regulations, guidelines, policies and procedures concerning protection of Records against damage and unlawful removal, destruction, mutilation, transfer, disposal or misuse.
- B. Maintaining an inventory of all Records for which their department is the Department of Record and ensuring such Records are readily available upon official request.
- C. Ensuring that all assigned Retention Periods applicable to their department's Records comply with applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any grant award or contract and making recommendations to the Records Official when compliance requires amendment of this Retention Schedule.
- D. Ensuring Records are stored appropriately to permit easy retrieval and are protected against damage, unauthorized access, and unlawful removal, destruction, mutilation, transfer, disposal or misuse.
- E. Assisting staff in identifying and timely disposing of Transitory Records once their value as business, financial, legal, research or historical records have expired, in accordance with the Retention Schedule.
- F. Assisting staff in identifying and preserving Records having significant administrative or historical value or the potential for significant administrative or historical value.
- G. Carrying out the timely Disposition of Temporary Records in accordance with this Policy, the Record Schedule and such policies, procedures and guidelines as may be adopted by the Governing Boards or developed by the Records Official.

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4. **Employees.** Employees shall be responsible for the following:
- A. Treating records in their custody as property of SHRA and following all applicable laws, regulations, guidelines, policies and procedures concerning protection of Records against damage, unauthorized access, and unlawful removal, destruction, mutilation, transfer, disposal or misuse.
 - B. Notifying their supervisor of any actual or threatened damage to Records, unauthorized access, or unlawful removal, destruction, mutilation, transfer, disposal or misuse.
 - C. Working with their supervisor in identifying and timely disposing of Transitory Records once their value as business, financial, legal, research or historical records have expired.
 - D. Working with their supervisor in identifying and preserving Records having significant administrative or historical value or the potential for significant administrative or historical value.
 - E. Ensuring that the Retention Periods assigned to the Records they maintain comply with applicable laws, regulations, guidelines, policies and procedures or the terms and conditions of any applicable grant award or contract and making recommendations to their supervisor when compliance requires amendment of this Policy or the Record Schedule.
 - F. If designated by their superiors, preserving or arranging for the timely Disposition of Records in accordance with this Policy, the Record Schedule and such policies, procedures and guidelines as may be adopted by the Governing Boards or developed by the Records Official.

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V. RETENTION AND DISPOSITION OVERVIEW

1. OVERVIEW

The Retention and Disposition Schedule provides information on the following:

- A. General Administration Requirements – retention and disposition information applicable to all departments.
- B. Departmental Retention and Disposition Requirements – SHRA records are categorized by Department. Each Department is responsible to maintain and destroy the records in their assigned area using the requirements outlined below. Additional requirements and guidance are included in the policy. Any questions should be directed to the Records Official or to SHRA Legal Counsel.

2. DEFINITIONS

The definitions below are used throughout the Schedule:

CU = Current	MA = Maturity
P = Permanent	LI = Life (of Program)
T = Termination	FR = Final Resolution
CL = Closed	MAINT = Maintain
AC = Active	LA = Limitation on Action
CY = Current Year	

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3. PERSONALLY IDENTIFIABLE INFORMATION (PII)

SHRA is required to comply with state and federal laws with respect to PII. Personnel and resident/participant data shall be secured in such a manner so as to restrict access to only personnel authorized by a Manager or the Records Official, and at no time shall such PII Records, regardless of format, be made available for public inspection. At all times Enterprise Income Verification (EIV) data will be protected in accordance with HUD requirements.

4. SOURCES

Whenever possible, the Retention Periods provided in the Record Schedule shall be based upon the following sources:

- A. **Federal and State Laws, Regulations and Guidelines.** Whenever applicable, federal and state laws, regulations and guidelines shall be utilized to establish minimum Retention Periods. Where conflicting federal and/or state laws, regulations or guidelines apply to the same Record or to multiple Records maintained in the same file, the longest Retention Period shall be utilized. Federal and state laws, regulations and guidelines cited in the Record Schedule shall include successor provisions.
- B. **Grant Awards and Contracts.** Whenever applicable, Retention Periods mandated by the terms and conditions of any grant award or contracts shall be utilized to establish minimum Retention Periods. Where conflicting grant award or contract provisions and federal or state laws, regulations or guidelines apply to the same Record or to multiple Records maintained in the same file, the longest Retention Period shall be utilized.
- C. **HUD Publications.** HUD has adopted multiple handbooks, guidebooks, notices and manuals (collectively, "HUD Publications") to clarify or elaborate on established HUD policies and to issue procedures or guidance within the framework of established laws and regulations. Whenever applicable, Retention Periods set forth in HUD Publications shall be utilized to establish minimum Retention Periods. Where conflicting HUD Publications, federal and/or state laws, regulations or guidelines, and/or grant award or contract provisions apply to the same Record or to multiple Records maintained in the same file, the longest Retention Period shall be utilized. HUD Publications cited in the Record Schedule shall include future amendments, revisions and successor provisions.

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- D. **Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200.333)** - In the absence of any other controlling federal or state law, regulation or guideline, or HUD Publication, the retention of program, financial and statistical Records, and other Records required to be maintained by HUD program regulations or grant award or contract, or otherwise reasonably considered as pertinent to HUD's program regulations or grant agreement, shall be governed by 2 CFR 200.333 or its successor which establishes a minimum 3-year Retention Period for Records.
- E. **National Archives and Records Administration:** General Records Schedules. The National Archives and Records Administration ("NARA") is the independent federal agency that is responsible for adequacy of documentation and records disposition for federal records. General Records Schedules (GRS) provide mandatory disposal authorization for temporary administrative records common to several or all federal agencies, including records relating to personnel, fiscal accounting, procurement, communications, printing, and other common functions. Though not legally binding upon SHRA, in the absence of controlling federal or state law, regulation or guideline, or HUD Publication, and when 2 CFR 200.333 is not applicable, the GRS, or its successor, may be utilized to establish minimum Retention Periods for similar Records. Cited GRS Schedules shall include future amendments, revisions and successor provisions.
- F. **Statutes of Limitation.** Applicable statutes of limitation shall be consulted to establish minimum Retention Periods for Records which may be necessary to document or defend against civil claims. Examples include the 3-year statute of limitation for trespass on or injury to real property at Code of Civ. Proc. §338(b); the 4-year statute of limitation for contracts and actions to recover book accounts at Code of Civ. Proc. §337; the 4-year statute of limitation for property lease/rental agreements at Code of Civ. Proc. §337.2; the 10-year statute of limitation for construction defect Litigation at Code of Civ. Proc. §337.15; and the 10-year statute of limitation for general obligation bond actions at Code of Civ. Proc. §337.5.
- G. **State Archives Guidelines.** Whereas the state has enacted laws and regulations that govern the retention of Records at the state, county and city levels, with the exception of certain Records, no state laws or regulations have been enacted to govern the retention of Records by public agencies such as SHRA. In order to address the perceived problem of local government agencies having no standardized program of accountability and treatment of public records, in 1999, the Legislature adopted Senate Bill 742 which added Government Code section 12236 and provided that the Secretary of State shall establish the Local Government Records

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Program to be administered by the Archives Division (State Archives) to establish non-binding guidelines for local government record retention.

In February 2006, the Secretary of State published the "Local Government Records Management Guidelines" ("State Archives Guidelines"), a copy of which shall be maintained with the official Record of this Policy. Though not legally binding upon SHRA, in the absence of controlling federal or state law, regulation or guideline, or HUD Publication, and when 2CFR200.333 is not applicable, the State Archives Guidelines, or its successor, may be utilized to establish minimum Retention Periods for similar Records.

VI. RECORD RETENTION SCHEDULE GUIDELINES

The following guidelines are established for the designation of Retention Periods specified in the Record Schedule:

- A. **Transitory Records.** The decision on what is and is not a Transitory Record is generally made at the employee-level. If an employee determines a Record is not likely to have future administrative, legal, fiscal and historical value and the record is listed as a Transitory Record on the Record Schedule, this Policy provides that the Record may be disposed of in an appropriate manner once its administrative, legal, fiscal or historical value has expired.

Transitory Records include the following:

1. **Activity Records** that document routine activities containing no substantive information, such as calendars, appointment books, schedules, logs, diaries and routine notifications of meetings, scheduling of work-related trips and other scheduling related activities.
2. **Advertising Material** consisting of solicited or unsolicited information received from businesses or individuals advertising their products or services.
3. **Correspondence**, whether produced or received, that is routine in nature, requires no administrative action, policy decision, or special handling and is not subject to any specific legal requirements, including: originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material; correspondence from other agencies that is received for general information purposes only; originating office copies of letters

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of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material; business messages such as scheduling or confirming meetings; and announcements and notices of a general nature.

4. **Drafts of Records** that consist of preliminary or tentative versions of a Record that do not form significant stages in the preparation of a final documents, were not shared or put into practice, or were superseded by a formal or ongoing record, including preliminary drafts of letters, memoranda, reports, etc., but not including drafts that are legally required, acted upon, or applied, which must be retained according to the Record Schedule, this Policy or any applicable law, regulation, guideline, policy or procedure, or the terms and conditions of any grant award or contract.
5. **Duplicates** that are exact copies of Records where nothing has been added, changed, or deleted; the copies have been used for reference or information purposes only; and the master version of the Record has been filed in an official filing system. A Record must meet all three of these conditions to be a duplicate. If something has been added, changed or deleted, the record is no longer a duplicate, though it could still be transitory, depending on the significance and future value of the addition, change or deletion.
6. **External Publications** such as books, magazines, periodicals, pamphlets, brochures, journals, newspapers and software documentation obtained from sources other than SHRA that require no action and are not required for documentary purposes.
7. **Notices and Memoranda** that constitute quasi-official notices including memoranda and other records that do not serve as the basis of official actions and are routine in nature, such as those pertaining to meetings, holidays or special events circulated to all staff or posted in public folders.
8. **Promotional and Public Relations Materials** including audiovisual items, photographs, flyers and brochures, newsletters, press releases, published reports, bulletins, educational and informational materials prepared by or for SHRA that do not contain significant information or substantial evidence of plans and directions for agency activities, or critical information that is not contained in other SHRA records.
9. **Reference Materials** and other sources of information intended primarily for consultation and, if used to prepare or update a formal or ongoing Record, are cited as needed.

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10. **Research, Notes and Working Files**, such as calculations, short, informal notes such as phone messages, and notes collected and used in the preparation of documents, written down for review, or as an aid to memory, or to inform someone else.
 11. **Requests and Responses** for forms, publications, records, and other agency information that, with the exception of redacting confidential and privileged information, do not require administration review before, or further action after, the form, publication, record, or other agency information is provided.
 12. **Temporary Information** such as telephone messages, routing slips, self-adhesive notes, memos, notes, messages, mail service and printing service records that have only immediate or short-term value.
 13. **Worksheets, Forms and Checklists** used to prepare or update a formal or ongoing Record or informally track workflow.
- B. Temporary Records.** Temporary Records are recognized as having varying degrees of administrative, legal, fiscal or historical value. In the absence of controlling federal or state law, regulation or guideline, or HUD Publication, and when 2CFR200.333 is not applicable, the following guidelines are established for the retention of the following types of Temporary Records:
1. **Administrative Records.** The minimum Retention Period for Administrative Records is 3 years. Administrative Records include the following: departmental audit records; community meeting and event records; general (non-transitory) correspondence; citizen complaints; equipment records having no potential for significant historical and/or administrative value; expense records; internal reports and studies; inventory lists; membership records; reference materials; training records; employment verifications; employee handbook and orientation materials; employee reasonable accommodation records; recruitment records; certificates of insurance; draft budget files of the Finance Department; draft 5-year and Annual Agency Plan files; resident newsletters; declined funding submissions; agenda mailing list; recordings of public meetings; visitor logs; superseded policies and procedures; record retention and disposition files; surplus equipment disposal records; facility request records; and investigation records not recognized as having the potential for significant administrative and/or historical value (as determined herein).
 2. **Other Records.** The minimum Retention Period for other records is 3 years. These include Real Property Records, Finance Department Records, Environmental Records, Personnel Records, and Department specific Records. Refer to the individual departmental sections for specific information about temporary retention of records.

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- C. **Permanent Records.** Permanent Records are recognized as having extraordinary administrative, legal, fiscal or historical value. Refer to specific departmental sections for additional information and guidance about Permanent Records. Permanent Records are ineligible for disposition unless they are copied to an appropriate electronic format under procedures developed by the Records Official to ensure the integrity, accuracy, and reliability of the image and with approval of SHRA Management. Department Managers/Supervisors are responsible to ensure that Permanent records for which their staff are responsible are properly inventoried and maintained. Permanent records include but are not limited to:
1. Cases filed by SHRA against applicants and residents concerning allegations of fraud or misreporting of income.
 2. Section 8 Vacated Participants-Do Not Re-admit Files.
 3. Section 8 Master Waiting List Activity Files.
 4. Section 8 Administrative Hearing Records.
 5. Repayment and Settlement Agreements.
 6. Approved Board Resolutions and Minutes.
 7. Annual Contributions Contracts for Public Housing between SHRA and HUD and related HUD-filed forms and computations.
 8. Commission Agenda Materials including regular and special public meeting agendas, staff reports, resolutions, By-Laws and minutes.
 9. Finance Department Records as indicated in their Departmental Retention Schedule.
 10. Human Resource Department Records as indicated in their Departmental Retention Schedule.
 11. SHRA Procurement Policy.
 12. Contacts for improvements to SHRA owned property or public housing properties.

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- D. **Exceptions.** The Records Official, in consultation with SHRA Legal Counsel and the Department Manager, may approve exceptions to the Retention Periods set forth in the Retention Schedule providing that all legal requirements are met.

VII. TRANSFER OF DATA TO ELECTRONIC RECORDS

- A. **Replacing Original Records with Electronic Records.** Electronic Records may replace paper originals or micrographic copies of Records pursuant to policies, procedures and guidelines developed by the Records Official in accordance with this Policy.
- B. **Policies, Procedures and Guidelines.** The Records Official shall develop policies, procedures and guidelines that ensure the integrity, accuracy, and reliability of Electronic Records and to ensure the ability to index, store, preserve, retrieve, and reproduce all Electronic Records.

VIII. STORAGE OF RECORDS

- A. **Policies, Procedures and Guidelines.** The Records Official shall develop policies, procedures and guidelines for the storage of paper Records, which shall ensure access to and the integrity, confidentiality (when warranted), authenticity and legibility of the stored Records.
- B. **Location.** Records to be retained shall be stored either on-site or off-site using an approved document storage company.
- C. **Responsibilities.**
1. The Departmental Manager/Supervisor, or their designee, shall be responsible for coordinating the transfer of Records to storage and maintaining a detailed current inventory of all stored Records. Departmental Managers/Supervisors shall be responsible for the storage and preservation of Records for which their department is designated as the Department of Record and shall take into account and abide by all applicable confidentiality, safety, security or other such storage/access requirements related to the safeguard of stored Records and their contents.
 2. Identification. Stored Records shall be inventoried, boxed and clearly labeled, including a final Disposition date or Permanent retention designation. An inventory of any records stored off-site shall be maintained by the Departmental Manager/Supervisor or their designee.

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IX. DISPOSITION OF RECORDS

- A. **Policies, Procedures and Guidelines.** The Records Official shall develop policies, procedures and guidelines which shall ensure the timely and proper Disposition of Records in accordance with applicable laws, regulations, guidelines, policies and procedures, the terms and conditions of any grant award or contract, this Policy and the Record Schedule.
- B. **Eligibility.** Records become eligible for Disposition once they have met the retention requirements specified in the Record Schedule, or when an exception is made.
- C. **Method of Disposition.** The Disposition of any Record as provided for herein shall be by disposal, recycling, shredding or other effective method of destruction. All Records of a sensitive or confidential nature shall be shredded under the supervision of the Records Official or the Departmental Manager/Supervisor.
- D. **Review of Records Proposed for Disposition** the Departmental Manager/Supervisor shall review and approve the list of any records proposed for Disposition to ensure nothing on the Disposition list was entered in error.
- E. **Disposition Records**, which include documentation of shredding and destruction of confidential documents, shall be retained for 3 years.

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X. RETENTION AND DISPOSITION SCHEDULE – GENERAL ADMINISTRATIVE RECORDS

RESPONSIBLE DEPARTMENT	RECORD CATEGORY NAME	REQUIRED RETENTION PERIOD	LEGAL CITATIONS	DESCRIPTION/COMMENTS
General Administrative Records - All Departments	Budget Preparation Records (Departmental)	4 years after close of fiscal year	GOV 26202 (2Y) GOV 34090 (2Y) 2 CFR 200.333 (FY+3Y)	Retain departmental budget background records collected in preparation of annual budget estimates until 4 years after the close of the fiscal year covered by the budget.
General Administrative Records - All Departments	Citizen Complaints	4 years after last action	GOV 26202 (2Y) GOV 34090 (2Y) 2 CFR 200.333 (FY+3Y)	Includes original written complaints received from the public concerning SHRA activities, services and policies. Also includes identification of complainant, nature of complaint, responsible department, and steps taken in response to complaint.
General Administrative Records - All Departments	General Correspondence	End of current year plus 4 years	GOV 26202 (2Y) GOV 34090 (2Y) 2 CFR 200.333 (FY+3Y)	Non-transitory correspondence, whether in electronic or hard copy form, maintained separate and apart from records described elsewhere in the Record Retention Schedule.
General Administrative Records - All Departments	Internal Reports and Studies	4 years	2 CFR 200.333 (FY+3Y) GOV 26202 (2Y) GOV 34090 (2Y)	Includes reports, studies, surveys, and analyses conducted or commissioned by a department for internal information or planning purposes. Does not include legally required reports or studies or those described elsewhere in the Record Retention Schedule.
General Administrative Records - All Departments	Travel and Training Records	End of current year plus 4 years	2 CFR 200.333 (FY+3Y) GOV 26202 (2Y) GOV 34090 (2Y)	Documentation of staff training which may include certificates earned, sign-in sheets, and training materials.