

RESOLUTION NO. 19-10-796

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF MOJAVE AIR AND SPACE PORT
AMENDING BOARD POLICY 700 TO ADD A
RECORDS RETENTION POLICY**

Whereas, Mojave Air and Space Port (the "District") is subject to certain laws regarding public records and the retention and destruction of such records;

Whereas, the District desires to add a provision to the Operations Policy regarding record retention and destruction;

Now, therefore, be it resolved that Article VII is added to Board Policy 700, "Operations Policy," as specified in Exhibit 1, attached hereto and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED on October 1, 2019.

ATTEST:


Jimmy R. Balentine, Secretary

(SEAL)


Andrew Parker, President

EXHIBIT 1

ARTICLE VII. RECORDS RETENTION

7-7.01 GENERAL

District records are open to inspection during regular office hours, and every person has a right to inspect the records, except as otherwise provided by law.

7-7.02 DEFINITIONS

As used in this Article, “public records” and “writing” shall have the same definition as in the California Public Records Act, Government Code section 6250, et seq., as amended.

7-7.03 EXCEPTIONS

Nothing herein requires disclosure of records not subject to disclosure by law, including without limitation, the following records:

- (a) Preliminary drafts, notes, or intra- or inter-agency memoranda not retained by the District in the ordinary course of business, if the public interest in withholding such records clearly outweighs the public interest in disclosure;
- (b) Records pertaining to pending litigation which the District is a party or to claims made pursuant to Division 3.6 (Commencing with section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;
- (c) Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- (g) Records exempted or prohibited pursuant to provisions of Federal or State Law, including, but not limited to, provisions of the Evidence Code relating to privilege;
- (h) The disclosure of other records which is prohibited or not required by law.

7-7.04 ADDITIONAL PUBLIC RECORDS

Notwithstanding the foregoing:

- (a) Every employment contract between the District and a public official or public employee is a public record.
- (b) An itemized statement of the total expenditures and disbursements of the District provided for in Article VI of the California Constitution shall be open for inspection.

7-7.05 JUSTIFICATION FOR WITHHOLDING OF RECORDS

The District shall justify withholding a record by demonstrating the record is exempt by law or the public interest served by not making the record available clearly outweighs the public interest served by disclosure of the record. Notice of intent to withhold records shall be provided to the person who requested the record within ten days of the request for inspection.

7-7.06 COPIES OF RECORDS

(a) A person may obtain a copy of an identifiable record. On written request, an exact copy shall be provided in a form determined by the CEO. Officers, agents, and employees of the District are not required to request records in compliance with this Section when acting within the course and scope of employment or office holding. A written response shall be provided to the person requesting the recorded within ten days of the request.

(b) A payment shall be made in the amount of \$0.25 cents per page or, in the case of large or unusual sized records, the amount charged shall be the actual cost charged by an outside print company. A certified copy of such record shall require an additional payment of \$2.00. No charge shall be imposed for research or labor.

(c) A person who desires to obtain a copy of a record must deposit an amount equal to the estimated fees for copying prior to receiving the record. The portion of the deposit not required shall be refunded. If the deposit is insufficient an additional deposit will be required.

7-7.07 PUBLIC COUNTER FILES

(a) Except for writings exempt from public disclosure, the District shall maintain a duplicate copy of approved minutes, the agenda, and written materials distributed to the Board for discussion or consideration at the next scheduled Board meeting at the District's administrative office. Public records discussed during a public meeting but not previously available to the Board shall be made available before the commencement of discussion at such meeting and shall be made available for public inspection immediately or as soon thereafter as practicable.

(b) No charge will be imposed for the use of the records described in this section, unless a copy is requested in which case a copy charge shall be imposed.

(c) The CEO shall also maintain a record of requests for inspection that are declined, including the reason.

7-7.08 RETENTION OF ORIGINAL RECORDS

The following original records shall be maintained in perpetuity in the District's files:

- (a) The Certificate of Incorporation of the District;
- (b) Certifications of annexation proceedings;
- (c) Certificates of the Secretary of State reciting the filing of annexation papers by the District in his office;
- (d) Certifications by the Secretary of State that detachment papers have been received and area is excluded from the District;
- (e) Resolutions;
- (f) Minutes of meetings of the Board;
- (g) Certificates of Assessed Valuation prepared by the Auditor of each County in which property taxable by the District lies;
- (h) Documents received from the Tax Assessor detailing District taxes collected;
- (i) Ballot arguments pro or contra on bond issues;
- (j) Results of bond propositions received from the canvassing bodies;
- (k) Results of elections for the directors received from the canvassing body;
- (l) Records of securities acquired with surplus moneys;
- (m) Receipts for securities from banks;
- (n) Documents received relating to claims against the District;
- (o) Documents received pursuant to eminent domain proceedings by the District;
- (p) Records affecting title to land or rights of way owned by the District or liens thereon;
- (q) Records determined by the Board to be of significant and lasting historical, administrative, legal, fiscal or research value; and
- (r) Records required by law to be filed and preserved.

7-7.09 RETENTION OF DUPLICATE ORIGINAL RECORDS

The following original records may be destroyed if a copy is maintained in perpetuity:

(a) Financial records summarizing the financial status of the District other than reports prepared pursuant to Article 9 (commencing with section 53891) of Part 1 of Division 2 of the Government Code;

(b) Oaths of Office and related materials depicting the authenticity of the appointment of director or officer;

(c) Paid vouchers with attached documents, summary of collections, registers of demands issued and journals of warrants paid, if the original is maintained in the District's files for a period of five years;

(d) Reports of the District in correspondence not covered in another Section of this Article; and

(e) Records received pursuant to State statute not expressly required by law to be filed and preserved.

7-7.10 DESTRUCTION OF RECORDS

Records of the District may be destroyed in accordance with Chapter 7, Title 7, of the Government Code (section 60200, et seq.) or any other applicable law.