

LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY

DOCUMENT RETENTION AND DESTRUCTION POLICY

The Lower Rio Grande Public Water Works Authority is a political subdivision of the State and an independent public body established by NM Statute (NMSA 1978 73-26-1).

1. Policy and Purposes

This is the Policy is adopted by the Board of Directors of the Lower Rio Grande Public Water Works Authority (LRGPWWA) for the retention and destruction of documents and other records, both in hard copy and electronic media (documents). Purposes of the Policy include (a) retention and maintenance of documents necessary for the proper functioning of the organization as well as to comply with applicable legal requirements; (b) destruction of documents which no longer need to be retained; and (c) guidance for management and staff with respect to their responsibilities concerning document retention and destruction. The Board of Directors of the LRGPWWA reserves the right to revise or revoke this Policy at any time.

2. Administration

2.1 Responsibilities of the Administrator. The LRGPWWA's General Manager shall be the administrator (Administrator) in charge of the administration of this Policy. The Administrator's responsibilities shall include supervising and coordinating the retention and destruction of documents pursuant to this Policy and particularly the Document Retention Schedule included below. The Administrator shall also be responsible for documenting the actions taken to retain, maintain and/or destroy LRGPWWA documents. The Administrator may also modify the Document Retention Schedule as necessary to comply with law and/or LRGPWWA policy. The Administrator may delegate these duties to staff but shall retain the ultimate responsibility for administration of this Policy.

2.2 Responsibilities of Staff. This Policy also relates to the responsibilities of staff, with respect to maintaining and documenting the storage and destruction of the organization's documents. LRGPWWA staff shall be familiar with this Policy, shall act in accordance therewith, and shall assist the Administrator, as requested, in implementing it.

3. Suspension of Document Destruction; Compliance. The organization becomes subject to a duty to preserve (or halt the destruction of) documents once litigation or a government investigation or audit is reasonably anticipated. Further, federal law imposes criminal liability (with fines and/or imprisonment for not more than 20 years) upon whomever "knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States ... or in relation to or contemplation of any such matter or case." Therefore, if the Administrator becomes aware that litigation, a governmental audit or a government investigation has been instituted, or is reasonably anticipated or contemplated, the Administrator shall immediately order a halt to all document destruction under this Policy, communicating the order to all managers and staff in writing. The Administrator may amend or rescind the order only after conferring with legal counsel. If any board member, manager or staff member becomes aware that litigation, a governmental audit or a government investigation has been instituted,

or is reasonably anticipated or contemplated, with respect to LRGPWWA, they shall make the Administrator aware of it. Failure to comply with this Policy, including, particularly, disobeying any destruction halt order, could result in possible civil or criminal sanctions. In addition, for managers or staff, it could lead to disciplinary action including possible termination.

4. Electronic Documents. Documents in electronic format shall be maintained just as hard copy or paper documents are, in accordance with the Document Retention Schedule. LRGPWWA email accounts used by management, staff and Directors are subject to the Inspection of Public Records Act (NMSA 1978-14-2-1 through 14-2-12) and shall also be maintained just as hard-copy or paper documents are in accordance with the Document Retention Schedule.

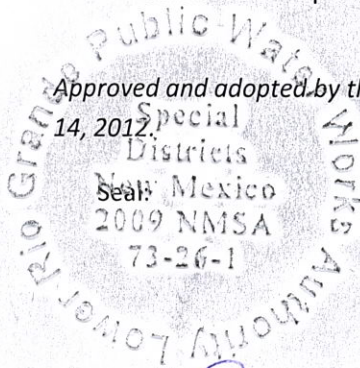
5. Privacy. It shall be the responsibility of the Administrator, after consultation with counsel, to determine how privacy laws will apply to the LRGPWWA's documents from and with respect to employees and Directors; to establish reasonable procedures for compliance with such privacy laws; and to allow for their audit and review on a regular basis.

6. Emergency Planning. Documents which are necessary for the continued operation of the organization in the case of an emergency shall be stored in a safe and accessible manner in more than one location.

7. Document Retention Schedules. Management, with the approval of the Board, retains the right to adopt and/or amend the following Document retention schedules and others as needed:

- Schedule A – Board, Policy & Organizational Documents
- Schedule B – Management, Insurance & Planning Documents
- Schedule C – Accounting & Finance Documents
- Schedule D – Employment, Personnel & Benefits Documents
- Schedule E – Membership & Customer Service Documents
- Schedule E – Legal, Contract & Real Estate Documents
- Schedule F – Project Documents
- Schedule G – Operations & Compliance Documents

Approved and adopted by the Lower Rio Grande Public Water Works Authority Board of Directors on November 14, 2012.



Attest:

Santos Ruiz, Secretary

Roberto Nieto, Chairman