



**DRAFT**

**MPWMD RESOLUTION NO. 2019-17**

**ADOPTING THE MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT ELECTRONIC  
COMMUNICATIONS POLICY**

**WHEREAS**, Section 6250 et. seq., of the California Government Code has been interpreted to include in the definition of a public record forms of electronic communications such as email, text messages, voice mail and other electronic writings (electronic communications); and

**WHEREAS**, the California Supreme Court in the *City of San Jose v. Superior Court* (2017) 2 Cal.4<sup>th</sup> 608 ruled that electronic writings related to the public's business are public records even where they have been sent, received or stored in a personal account or device; and

**WHEREAS**, in March 2019, the Monterey Peninsula Water Management District (District) adopted a Records Retention Schedule (RRS) to establish a procedure for the retention and destruction of certain District documents and communications including email, text messages, voice mail and other electronic writings; and

**WHEREAS**, the District desires to establish an Electronic Communications Management Policy (Policy) to establish rules for review, retention, and destruction of electronic communications, which will be used in conjunction with the RRS; and

**WHEREAS**, this action does not constitute a "Project" as that term is defined under the California Environmental Quality Act (CEQA) Guideline Section 15378, as it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT DOES RESOLVE AS FOLLOWS:**

**Section 1.** The District Board of Directors hereby approves the MPWMD Electronic Communications Policy **Attachment 1**, attached hereto and incorporated herein by this reference.

**Section 2.** In the future, proposed modifications to the MPWMD Electronic Communications Policy will be submitted to the Board of Directors for approval.

**Section 3.** This resolution shall become effective immediately upon its passage and adoption.

On a motion of Director \_\_\_\_\_ and second by Director \_\_\_\_\_ the foregoing resolution is duly adopted this 18<sup>th</sup> day of November 2019 by the following vote.

AYES:            Directors

NOES:

ABSENT:

I David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, do hereby certify that the foregoing Resolution No. 2019-17 was duly adopted on the 18<sup>th</sup> day of November, 2019.

Witness my hand and seal of the Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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David J. Stoldt, Secretary to the Board of Directors