

## **Town of Apex Record Retention Policy for Documents Created or Maintained Pursuant to the ARP/CSLFRF Award**

**Retention of Records:** The Coronavirus Local Fiscal Recovery Funds (“CSLFRF”) [Award Terms and Conditions](#) and the [Compliance and Reporting Guidance](#) set forth the U.S. Department of Treasury’s (“Treasury”) record retention requirements for the American Rescue Plan (ARP)/CSLFRF award.

It is the policy of the Town of Apex to follow the Treasury’s record retention requirements referenced above as it expends CSLFRF pursuant to the ARP/CSLFRF award. Accordingly, the Town of Apex agrees to do the following related to said funds/award:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition, including but not limited to, purchase contracts, memorandums of lease, invoices, quotes, bills of sale, cash receipts, and closing documents.
- Ensure that retained financial and programmatic records sufficiently evidence compliance with the ARPA Final Rule 31 CFR Part 35 issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been settled, fully adjudicated, or otherwise resolved.

**Covered Records:** For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the Town of Apex’s expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

All records associated with ARP/CSLFRF awards shall be retained pursuant to this policy for a minimum of five (5) years.

**Storage:** Town of Apex’s records must be stored in a safe, secure, and accessible manner. In addition to storage of hard copies, wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

**Departmental Responsibilities:** Any department or unit of the Town of Apex, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Any employee who fails to comply with the record retention

requirements set forth herein may be subject to disciplinary action consistent with the Town Personnel Policy.

A representative from The Office of Budget, Performance & Strategy is responsible for identifying the documents that Town of Apex must or should retain and arrange for the proper storage and retrieval of records. Department directors shall ensure that all personnel in their departments that will handle documents subject to the terms of this policy are aware of the record retention requirements set forth herein.

**Reporting Policy Violations:** The Town of Apex is committed to enforcing this policy as it applies to all forms of records related to the ARP/CSLFRF award expenditures. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee's supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Department director.

**Compliance with Municipal Records Retention and Disposition Schedule:** This policy is in addition to and does not repeal or replace the Municipal Records Retention and Disposition Schedule. In the event of a conflict between this policy and the Municipal Records Retention and Disposition Schedule issued by the NC Department of Cultural Resources and adopted by the Town, the most stringent policy shall apply and documents shall be retained for whichever policy period is longest.

**Questions About the Policy:** Any questions about this policy should be referred to the Budget Manager or designee.

**Severability:** If any provision of this policy or any rule, regulation, or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of this policy and the application of such remaining provisions of this policy or such rules, regulations, or orders to any person or circumstances other than those held invalid will not be affected thereby.

**Amendments:** The Town Council has the authority to amend, revise, or repeal all or any portion of this policy as it sees fit.

**Effective Date:** This policy shall go into effect on April 12, 2022.