Sound Record Keeping for Land Trusts

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Why are Records so important?

Here are just a few reasons:

- Keeping sound and complete records is an important practice in any business.
- Records are <u>the</u> key to protecting conservation land in perpetuity.

 Inspections, enforcement, and consistent stewardship all depend on continuity from year to year. That continuity is often through the memory of individuals, but in the face of perpetuity, complete records is the best protection.
- · Necessary for the accreditation process.

Keepers and Chuckers

People often fall into one of these two categories when it come to records.

Who here is a keeper? Who here is a chucker?

- Keepers can see value in every piece of paper and digital file. The biggest challenge for keepers is the enormity of a record keeping backlog.
- Chuckers see value in keeping as little as possible. The challenge for chuckers can sometimes be finding something they tossed but shouldn't have.



Records Review

- A comprehensive review and sorting of all the records of a land trust can be an enormous endeavor, requiring many hours of detailed work
- This work hardly ever seems to be the most important thing to do in a given day of land trust work. Acquisitions, stewardship projects, easement monitoring, and fundraising often jump ahead of record keening.
- Keep all critical documents and any other documents of $\underline{\text{enduring}}$ $\underline{\text{value}}$
- What can you learn from a comprehensive records review?

You will learn what you have and what you don't.

- That may seem simple, but knowing that can set your work plan and priorities for years to come.
 - For example, it is important to learn that you only have 17 management plans for of 25 properties, or that you missed inspections on 4 easements, or you have no documentation of an enforcement, or you are missing 990s or Minutes
 - o Ask that retiring Board Treasurer for copies of old 990s or Minutes
 - Set stewardship priorities to ensure complete monitoring and management plans.

Standards & Practices 2004

- 2D The land trust has adopted written records policy that governs how organization and transaction records are created, collected, retained, stored and disposed.
- 9G Pursuant to its records policy, the land trust keeps originals of all irreplaceable documents essential to the defense of each transaction(such as legal agreements, critical correspondence and appraisals) in one location, and copies in a separate location. Original documents are protected from daily use and are secure from fire floods and other damage. (Indicator Practice)

Standards & Practices 2017

- 9G1 The land trust has adopted written records policy that governs how organization and transaction records are created, collected, retained, stored and disposed.
- 9G2 Keep originals of all documents essential to the defense of each transaction in a secure location protected from damage.
- 9G3 Create and keep copies of these documents in a separate location

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Keep in mind that with any indicator practice, accreditation requirements are a MINIMUM standard.

- Your organization should meet or exceed that standard in actual practice.
- Be sure your practice reflect the needs and sophistication of your organization.
 - o Ex. NLT keeps complete paper records, protected from daily use, a full electronic duplicate. The "original" deeds (the paper upon which blue ink signatures were affixed) are in a safe deposit box in the local bank. This practice is in excess of requirements, but has been part of the organizations practice for 10+ years.

Records policy/procedures

- Who has adopted Records Policy?
- Policy should meet current minimum requirements.
- Procedures expand on policy and give more information and instruction but is more flexible than a Board adopted policy.
- · Checklists aid in consistent implementation.

Policy Elements

- Policy must include how organization and transaction records are created, collected, retained, stored and disposed in general terms.
- A retention and destruction schedule can be very helpful in implementing the policy.
- Policy template distributed today includes sections on property records, fundraising, financial and organization records.
- The policy template also addresses purpose, policy review, records review, and back up.

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Procedures

- May describe any aspect of record keeping that exceeds the current minimum standard.
- May describe the process of records review, including who is involved, timeframe, how records are disposed of.
- Specifically address who is involved with each type of record.

 Ex. Stewardship Committee is responsible for maintaining property records.
- Note which policies or other procedures that address record keeping.

Originals/Duplicate/Critical

- Original does not only mean the paper upon which the signature was affixed with ink. Think of it as an un-editable, complete, final document that you can reliably produce that is protected from daily use and calamity.
 - o Keep in mind that if you have electronic originals, upon accreditation you will have to describe how they meet federal state law regarding rules of evidence.
- Duplicate just means a second place, for that un-editable, complete, final document.
- Irreplacable refers to those documents identified as documents critical to the defense of each property to be kept in perpetuity.

Originals/Duplicate/Critical

- Many land trusts now consider their paper record to be their original and the digital version to be their record of daily use.
- A complete property record includes <u>all</u> documents critical to defense of each transaction.
- You should have at least one complete original property record and one complete duplicate. Storing different documents in different places pertaining to a single property is ineffective and can lead to ineffective defense of transactions, loss of institutional knowledge, wasted resources, etc.
- Note about paper location storage A signed agreement is necessary if stored in a place not owned by LT (director's home, another non-profit, library, etc)
- LTs may include a memo to file summarizing any information of enduring value not otherwise apparent from other documents within the record, such as acquisition history, completed enforcement action, etc.

Electronic Backup

- Must include $\underline{\text{all}}$ critical records for this to be a true duplicate/cloud back up
- Cloud backup is only as good as organizations ability/capacity to maintain.
- Choose a reliable cloud back up service. San Disk/thumb drive/external hard drives are of limited use and do not really protect against calamity.
- Organizations must consider the cost in hours and dollars and weigh against capacity to maintain and potential to utilize in the future.

Questions?



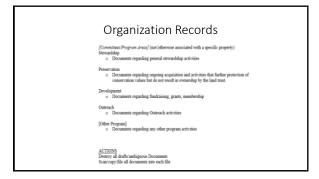
File Structure

- Compile and organize all records according to a set structure, according to adopted policy and procedures.
- Same structure will help everyone know where to find different types of records and how to create a new record in the event of a new acquisition.

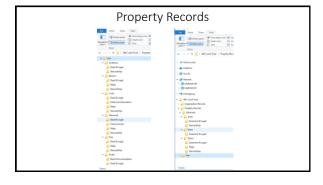
Two big categories of records:

Property and Organization



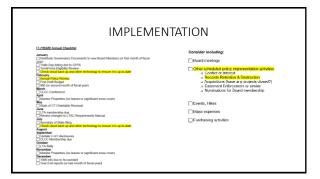






IMPLEMENTATION

- Build record keeping into other practices/procedures.
- \bullet Include record keeping in acquisition process.
- Annual checklists can be effective to consolidate events, Board responsibilities, significant expenses, procedures and requirements from several policy areas/Standards into one list. This helps to ensure LTs are in compliance with state & federal laws, LTA Standards & Practices, and the LTs own policies. Acquisition checklists are separate.



Questions?



For more information:

- Coversheets, template checklists, policies & procedures will be available on CLCC website.
- Contact me:

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[] Land Trust Records Policy Adopted [Date]

Mission St	tatement
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[]

Purpose

The [] Land Trust ([]) recognizes that maintenance of consistent, complete, secure, and authentic records is essential to achievement of its mission. The [] Records Policy is developed to ensure compliance with the intentions of [] donors, including conservation easement donors, to document and sustain the conservation values of protected lands under conservation easement or in fee ownership, and to secure []'s public charitable status. The [] Records Policy supports and is integral to other [] policies. All [] files are the property of [], not members of the staff or Board of Directors.

This policy, as adopted by the [] Board of Directors, embodies the functional principles of []'s records policy. Additionally, the [] is empowered to develop and amend procedural documents as needed to implement the Records Policy.

Records Policy Review

[] will review this Records Policy periodically to ensure organizational compliance and to ensure that this policy continues to serve the best interests of [].

Records Review

[] will regularly complete a file review to ensure that all records and backups are accurately and fully maintained; and that conservation project documentation is complete, in order, and in the right location, and to be sure that documentary evidence, including photographic records and original documentation is not deteriorating beyond the point of usefulness.

Records Backup

[] recognizes the importance of protecting all of its records from fire, flood, and any other catastrophe; and also recognizes the infeasibility of [] maintaining multiple sets of paper records in different locations. Therefore, [] has chosen to utilize electronic "cloud" backup to protect its records.

Section 1 – Property Records

It is crucial that the [] Board of Directors have ample opportunity to review all proposed conservation projects and to maintain those that are approved and implemented. For this purpose, [] will create and maintain files for each conservation project. [] considers the paper file to be the original record and maintains an electronic file as the duplicate. It stores original and signed documents in manner that protects them from daily use and secure from damage.

Section 2 - Fundraising Records

As a public-supported charitable organization, [] is committed to raising funds in an ethical and accountable manner. Quality recordkeeping of all fundraising programs will demonstrate that [] complies with charitable solicitation laws, accurately represents its claims and intended use of funds, and uses restricted funds as specified by donors. To that end, it is the policy of [] to maintain accurate and complete records regarding fundraising activities.

Section 3 – Financial Records

As a public charity and an organization responsible for easement defense in perpetuity, [] must manage its finances and assets in a responsible and accountable manner. To that end, it is the policy of [] to maintain complete, accurate and credible documentation of its financial management activities. [] will follow generally accepted non-for-profit accounting principles to ensure clear and credible financial records. Access to these records is limited to the Board of Directors [and appropriate staff]. Specific reports that do not contain confidential information will be made available to members and volunteers as needed.

Section 4 – Organization Records

In order to practice sound business procedures, it is the policy of [] to maintain records of its business activities, board meetings, and office administration, and to carefully maintain these records in a secure manner.

Section 5 – Retention/Destruction Schedule

Expired business records shall be burned or shredded to ensure the privacy of records. It is the policy of [] to retain files as follows:

Indefinitely

- o Deeds, Conservation Easements, Amendments, and other legal agreements
- o Baseline Reports including Photo Documentation
- o Monitoring Reports
- o Correspondence of Enduring Value: legal and important subjects, between the Land Trust and landowners relevant to recorded properties
- o Deeds, mortgages, option agreements
- o Financial Statements, year-end
- o Minutes and by-laws
- o Certificates of Incorporation
- o Property appraisals
- o Bills of Sale and personal property
- o Title Certificate. Report, Insurance Policy
- o Surveys
- o Forms 8283
- o Tax Returns

For Seven Years

- o Accident reports and claims for settled cases (if any)
- O Contracts and leases (for as long as it is applicable statute of limitations is in effect)
- o Tax returns and supporting documentation
- Reports by accountants

For Three Years

- o Correspondence, except that correspondence deemed to be of enduring value
- Expired Insurance policies
- o Internal reports

[Consider adding personnel & payroll documentation, resource materials to the above schedule.]

[] Land Trust Records Procedures

Records Review

As stated in []'s Records Policy adopted [date], [] "will regularly complete a file review to ensure that all records and backups are accurately and fully maintained; and that conservation project documentation is complete, in order, and in the right location, and to be sure that documentary evidence, including photographic records and original documentation is not deteriorating beyond the point of usefulness." The Records Review will be carried out by [Secretary, staff, Organization Committee] [the Records Team] in [month] each year.

The Records Team will thoroughly review files of any conservation projects completed in the past year and any properties on which there has been enforcement action. The Records Team will review each file to ensure all Monitoring forms have been filed appropriately.

All expired records will be pulled from the files and destroyed according to the Retention/Destruction Schedule in the Records Policy by the Records Team. Expired business records shall be burned or shredded to ensure the privacy of records.

Records Backup

The Records Team will check the cloud back-up system to ensure all appropriate files are being backed-up regularly and the system is not reaching its maximum storage capacity.

<u>Section 1 – Property Records</u>

[Stewardship Committee, staff, or other] is responsible for maintaining, in a timely manner, accurate and up-to-date records for ongoing and completed conservation projects, any enforcement action on a [] property, collection, review, scanning/copying, and filing of all Monitoring Forms, and any other recordkeeping tasks according to Stewardship Policy adopted on [date] and Acquisition Policy adopted on [date].

Section 2 - Fundraising Records

[Development Committee, staff, or other] is responsible for maintaining, in a timely manner, accurate and up-to-date records for ongoing membership, fundraising events, campaigns, or other activities. All fundraising data will be entered into [spreadsheet, database, other] that will capture donor information and details of each contribution. The [spreadsheet, database, other] will be backed-up regularly via cloud-backup. Individual paper records of membership, fundraising events, campaigns, or other activities may be destroyed annually or as the committee deems appropriate.

Section 3 – Financial Records

[*Treasurer, staff, Finance Committee, or other*] is responsible for maintaining, in a timely manner, accurate and up-to-date records of ongoing bookkeeping. This data is critical to all financial planning and reporting. [] uses [*Quickbooks*] to manage financial data, as well as [various supporting spreadsheets] form time to time for planning and reporting. The [*QB company file, and spreadsheets*] will be backed-up regularly via cloud-backup. Paper copies of year-end financial statements and IRS Forms 990 will be maintained in both paper and digital format according to the Retention/Destruction Schedule in the Records Policy.

Section 4 – Organization Records

[Vice President, staff, Organization Committee, or other] is responsible for maintaining, in a timely manner, accurate and up-to-date organization records including but not limited to: Bylaws, Certificates of Incorporation, Minutes, and Policies adopted by the Board of Directors. These documents are maintained in both digital and paper versions, and will be backed up regularly via cloud back-up.

Section 5 – Retention/Destruction Schedule

It is the policy of [] to retain files as follows:

Indefinitely

- o Deeds, Conservation Easements, Amendments, and other legal agreements
- o Baseline Reports including Photo Documentation
- o Monitoring Reports
- o Correspondence of Enduring Value: legal and important subjects, between the Land Trust and landowners relevant to recorded properties
- o Deeds, mortgages, option agreements
- o Financial Statements, year-end
- o Minutes and by-laws
- o Certificates of Incorporation
- o Property appraisals
- o Bills of Sale and personal property
- o Title Certificate. Report, Insurance Policy
- o Surveys
- o Forms 8283
- Tax Returns
- o Governing Policies of the Board of Directors currently in effect

For Seven Years

- Accident reports and claims for settled cases (if any)
- o Contracts and leases (for as long as it is applicable statute of limitations is in effect)
- o Tax returns and supporting documentation
- o Reports by accountants

For Three Years

- o Correspondence, except that correspondence deemed to be of enduring value
- o Expired Insurance policies
- o Internal reports

[Consider adding specific instructions about personnel & payroll documentation, resource materials to the above schedule.]

FEE/PRESERVE FILE COVER SHEET

Name of Property: Name of Grantor:
Date of Acquisition:
Transaction Type (e.g., purchase, donation, bargain sale, mitigation/regulatory, co-hold, other):
Deed/Contracts/Legal (all which are applicable)
Warranty Deed/Quitclaim Deed
o Option agreement/Memorandum of Understanding/Purchase and Sale Agreement
 Title Certificate, Report, and/or Insurance Policy
Property appraisal(s)
 Environmental assessment
 Mortgage subordination documents
 Donor substantiation (Acknowledgement)/Tax Letter
 IRS 8283 and Summary attachment
Stewardship
o Management Plan
 Stewardship Monitoring Reports
 Enforcement documentation
 Other stewardship documentation
Maps
o Survey
o Aerial Map
o Topographic Map
Other map(s)
Board Documentation and Correspondence
o Board of Directors meeting minutes at which the project was approved
o Board of Directors meeting minutes at which a Stewardship funding plan was
approved, if applicable
 All relevant correspondence, including emails
Historical Information
LT Publicity/Outreach
<u>ACTIONS</u>
□ Destroy all drafts/ambiguous Documents
□ Scan/copy/file all documents into each file (archive, office, field, digital)
□ Save all electronic documents as PDFs or other format that cannot be altered.

EASEMENT FILE COVER SHEET

Name of P			
Name of C			
Date of Ac			
Transactio	n Type (e.g., purchase, donation, bargain sale, mitigation/regulatory, co-hold, other):		
Easement .	Agreement/Contracts/Legal (all which are applicable)		
	o Easement Agreement		
	o Option agreement/Memorandum of Understanding/Purchase and Sale Agreemen		
	o Title Report		
	o Title Insurance Policy		
	Property appraisal(s)Environmental assessment		
	Mortgage subordination documents		
	o Donor substantiation (Acknowledgement)/Tax Letter		
	o IRS 8283 and Summary attachment		
	o Amendments		
Stewardsh	in		
Stewardsii	o Baseline Documentation Report		
	Stewardship Monitoring Reports		
	o Enforcement documentation		
	o Other stewardship documentation		
3.6			
Maps	- Character		
	o Survey		
	Aerial MapTopographic Map		
	o Other map(s)		
Board Documentation and Correspondence			
	o Board of Directors meeting minutes at which the project was approved		
	o Board of Directors meeting minutes at which a Stewardship funding plan was		
	approved, if applicableAll relevant correspondence, including emails		
	o All relevant correspondence, including emails		
Historical	Information		
LT Publici	ty/Outreach		
ACTIONS			
ACTIONS			
☐ Destroy all drafts/ambiguous Documents ☐ Scan/copy/file all documents into each file (archive, office, field, digital)			
_	□ Save all electronic documents as PDFs or other format that cannot be altered.		
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ORGANIZATION FILES OUTLINE

Corporate Documents

- o Articles of Incorporation, with amendments
- o Bylaws, with amendments

Non-Profit Status

- o IRS Form 1023 Application for 501(c)(3) Status
- o IRS 501(c)(3) Determination Letter

Board of Directors Documentation

- o Meeting minutes
- o Board policies
- o Correspondence

Financial

- Year-end financial statements
- o Financial audit and review reports
- o Completed IRS Form 990's

Public Relations

o Original public relations materials (brochures, etc.)

History

o Documents of enduring value

[Committees/Program Areas] (not otherwise associated with a specific property) Stewardship

o Documents regarding general stewardship activities

Preservation

o Documents regarding ongoing acquisition and activities that further protection of conservation values but do not result in ownership by the land trust.

Development

o Documents regarding fundraising, grants, membership

Outreach

o Documents regarding Outreach activities

[Other Program]

o Documents regarding any other program activities

ACTIONS

- □ Destroy all drafts/ambiguous Documents
- □ Scan/copy/file all documents into each file (archive, office, field, digital)
- □ Save all electronic documents as PDFs or other format that cannot be altered.