

Preliminary Performance Review

**Records Management
& Preservation Board**
Division of Culture & History

**The Records Management and Preservation Board
Has Given Limited Attention to Its Responsibilities**



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John Sylvia
Director

December 15, 2002

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable Vicki V. Douglas
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a *Preliminary Performance Review of the Records Management and Preservation Board - Division of Culture and History*, which will be presented to the Joint Committee on Government Operations on Sunday, December 15, 2002. The issue covered herein is "The Records Management and Preservation Board Has Given Limited Attention to Its Responsibilities."

We transmitted a draft copy of the report to the Records Management and Preservation Board on November 22, 2002. The Board opted not to have an Exit Conference. We received the agency response on December 4, 2002.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

JS/wsc

Joint Committee on Government and Finance

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Executive Summary

The Records Management and Preservation Board was created by the Legislature in 2000 within the Division of Culture and History. This is the second review of the Board.

Issue 1: The Records Management and Preservation Board Has Given Limited Attention to Its Responsibilities.

The Records Management and Preservation Board within the Division of Culture and History was established to advise and assist in record management and preservation. The activity of the Board since the 2001 Preliminary Performance Review has been minimal. In fact, the Board did not meet from June 2001 until a meeting held on November 13, 2002, after the start of this review. In addition, the Legislative Auditor finds that the required study of state needs has not been completed or even started as required by April 1, 2002. In addition, the required legislative rules for county level record management and preservation, while filed, do not address one required facet. Rules for the county records management and preservation grants program were proposed timely. The mandates required by West Virginia *Code* §5A-8-15 have not been completed and the deadlines as created in *Code* have passed. Since the deadlines have passed and the Board is essentially in violation of not fulfilling the requirements of the *Code*, the Legislative Auditor recommends that the Legislature set new deadlines for the Board's mandates and that the Board adhere to these deadlines.

Recommendations

1. *The Legislature should consider amending statute to set new mandate deadlines as outlined in West Virginia Code §5A-8-15 for the Records Management and Preservation Board.*
2. *The Records Management and Preservation Board should complete its legislative mandates as required by West Virginia Code §5A-8-15.*

Review Objective, Scope & Methodology

This preliminary performance review of the Records Management and Preservation Board was conducted in accordance with the West Virginia Sunset Law, Chapter 4, Article 10, Section 5 of the West Virginia *Code*. A preliminary performance review is to determine the goals and objectives of an agency and to determine the extent to which the agency is meeting those goals and objectives.

Objective

The objective of this preliminary performance review is to determine whether the Board has completed its legislative mandates as required by West Virginia *Code* §5A-8-15. The review will also analyze the Board's activity since the last review in December 2001.

Scope

This review covers a period from its creation during the 2000 legislative session through November 2002.

Methodology

Information compiled in this report has been acquired from the West Virginia *Code*, interviews with the Board chairman, Board meeting minutes, documentation, correspondence and expenditure schedules. Every aspect of this review complied with Generally Accepted Government Auditing Standards (GAGAS).

The Records Management and Preservation Board Has Given Limited Attention to Its Responsibilities.

The Records Management and Preservation Board within the Division of Culture and History was established to advise and assist in record management and preservation. The activity of the Board since the 2001 Preliminary Performance Review has been minimal. In fact, the Board did not meet from June 2001 until a meeting held on November 13, 2002, after the start of this review. In addition, the Legislative Auditor finds that the required study of state needs has not been completed or even started and the required legislative rules for county level record management and preservation, while filed, do not address one required facet.

Board Financial Status

County clerks are authorized to charge and collect a one dollar fee for every document containing less than ten pages filed for recording and an additional one dollar fee for each additional ten pages. Each month the clerks are to deposit all fees collected into the iPublic Records and Preservation Revenue Account. Beginning in fiscal year 2002 Board expenditures were paid from these collections. Previously, Board expenditures were made from legislative appropriations. The fund's revenues for fiscal year 2002 were \$488,189 with expenses of \$12,483. On June 30, 2002, the fund balance was \$826,468.

Board Statutory Mandates

In pursuit of its mission to ***advise and assist in establishing local level record management and preservation***, the Board was required to propose rules by July 1, 2001. West Virginia Code §5A-8-15 states that the Board shall propose rules:

...to establish a system of records management and preservation for county governments.

Additionally,

The proposed rule or rules shall include provisions for establishing a program of grants to county governments for making records management and preservation.

The Board has complied with part of this statutory requirement. The Board promulgated rules establishing a grants program, although no grants have been awarded to date. The Board has not promulgated rules establishing a system of records management and preservation for county governments. Within the promulgated rules, there is a provision that calls for the development of a manual which is to include general records retention and disposition schedules, on and off site records storage requirements, filing systems, reformatting and electronic records guidelines, record destruction procedures, and disaster preparedness procedures. During the summer of 2002, the Division of Culture and History employed an intern who worked on this manual, which was based on a similar document by the state of Virginia. At this time, the manual is still a rough draft. The Legislative Auditor received a copy of the draft which does appear to be a guideline for county governments to follow. Many of the manual guidelines need to be promulgated into rules.

Statute also required the Board to conduct a study of the records management and preservation needs of state executive agencies by April 1, 2002. According to the Board Chairman:

The Board's first priority is the preservation of county records. There has been no progress from the standpoint of the Board on record preservation for state agencies.

In the 2001 Preliminary Performance Review of the Board, the Board Chairman stated:

The Board members, as county level officials, may not have the experience to fulfill the second mandate of the Board, conducting a study of state executive agency record preservation needs by April 1, 2002.

From these statements, the Legislative Auditor concludes that the Board is not prepared to begin the study that would fulfill its second mandate and that Board members may not have the background to determine if a need for uniform records management exists for state agencies. The Legislative Auditor is unable to conclude whether or not state executive agencies have needs unique from those of counties. When the Board causes the study of the records management and preservation needs of state executive agencies to occur, the study results may indicate a need for additional Board members who have more particular knowledge of state needs.

An action the Board staff has undertaken was to enter into a contract with West Virginia University Institute of Technology [Tech]. University students will survey county courthouses to assess the state of county records at

courthouses. Staff has indicated that there is some concern with the reliability of the survey because of the high student turnover. The Legislative Auditor has determined that Board activity has been minimal at best. Staff verifies this by stating:

Since the 2001 Performance Review, the only activity with the Board has been working on the rough draft of the manual and the establishment of a contract with WV Tech.

Board Needs to Complete Legislative Mandates

The Records Management and Preservation Board was created in the 2000 regular legislative session to advise and assist in establishing county level record management and preservation. **The Legislative Auditor finds a need for the Board because the manner in which some public records are kept threatens their continued existence and in many counties there is a lack of space to keep records.** The creation of this Board was the first step in recognizing these concerns and the role this Board was created to fill is necessary before records become so deteriorated that they are unusable or before counties begin to take steps, such as destroying records, to resolve their problems without any unified or compatible plan with other counties or the State.

The West Virginia Code clearly outlines the deadlines for completing the Board's mandates. The Board has failed to meet these deadlines and the Legislative Auditor sees little progress in fulfilling the completion of these mandates. While the Board staff has explained that Board members may not be qualified to determine the needs of state government, the Board still has not completed the mandates required for county governments, which the members should be qualified to complete. Since these deadlines for the mandates have passed, one being a year and a half ago, **the Legislative Auditor recommends that the Legislature set new deadlines for the Board's mandates and that the Board adhere to these deadlines.**

Conclusion

The Board was created to advise and assist in establishing county level records management so that records would be preserved in a usable form, since space for records could become problematic for counties and the State. The Board has had minimal activity since the December 2001 audit, and has met only twice since its creation. The mandates required by West Virginia Code §5A-8-15 have not been completed and the deadlines as created in Code have passed. Since the deadlines have passed and the Board is essentially in violation of not fulfilling the requirements of the Code, the Legislative Auditor recommends that

the Legislature set new deadlines for the Board's mandates and that the Board adhere to these deadlines.

Recommendations

1. *The Legislature should consider amending statute to set new mandate deadlines as outlined in West Virginia Code §5A-8-15 for the Records Management and Preservation Board.*
2. *The Records Management and Preservation Board should complete its legislative mandates as required by West Virginia Code §5A-8-15.*

Appendix A: Transmittal Letter to Agency

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

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John Sylvia
Director

November 22, 2002

Nancy Herholdt, Commissioner
Division of Culture and History
Cultural Center
Charleston, WV 25305

Dear Ms. Herholdt:

This is to transmit a draft copy of the Preliminary Performance Review of the Records Management and Preservation Board. This report is scheduled to be presented to the Joint Committee on Government Operations during the December 2002 interim meetings held between December 15 - 17. The expectation is that a representative from your agency will be present at the meeting to orally respond to the report and answer any questions the committee may have.

If you wish to schedule an exit conference to discuss any concerns you may have with the report please notify us to schedule a time. In addition, we need your written response to this report by noon on December 4, 2002 in order for it to be included in the final report.

We request that your personnel treat the draft report as confidential and request that it not be disclosed to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

Joint Committee on Government and Finance

Appendix B: Agency Response



**WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY**

December 4, 2002

Mr. Denny Rhodes
Senior Research Analyst
Performance Evaluation and Research Division
West Virginia Legislature
Hand – Delivered

Dear Mr. Rhodes:

Enclosed please find the response by the Division of Culture and History to your draft 2002 report on the Records Management and Preservation Board.

Thank you for the opportunity to provide input.

Sincerely,

Robert Eggleton
Director of Administration

CC: Nancy Herholdt, Commissioner
Kay Goodwin, Secretary of Education and the Arts

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West Virginia Division of Culture and History

**CONCURRENCE WITH RECOMMENDATION
PRELIMINARY PERFORMANCE REVIEW BY
THE LEGISLATIVE AUDITOR'S OFFICE**

**The Records Management
and Preservation Board**

***The Division of Culture and History Concurs
with Recommendation to Establish
Realistic Board Deadlines
To Accomplish the Essential Mission of
Protecting and Preserving State Records***

INTRODUCTION

The mission of the West Virginia Division of Culture and History (Division) is to identify, preserve, protect, promote and present the ideas, arts, and artifacts of West Virginia's heritage, building pride in our past accomplishments and confidence in our future. The November 2002 Preliminary Performance Review by the Office of Legislative Auditor exclusively focused on an independent Board placed by statute within Division structure – The Records Management and Preservation Board (RMPB).

Since 1961, the State Legislature has acknowledged the importance of enacting statute providing for the management and preservation of public records. In 1990, the State Legislature designated the Secretary of the Department of Administration as the State Records Administrator; and, continued its Records Management and Preservation Advisory Committee to establish standards, procedures and techniques for effective management of records. In 1996, the State Legislature found that continuous advances in technology result in the development of new formats and methods for managing and preserving records.

In 2000, the State Legislature created the RMPB. Primarily focused on the long-standing needs of counties and their records, as described in the draft report by the Legislative Auditors, this legislation established a funding mechanism through which the RMPB could assist counties protect and preserve their records. One year ago, in a preliminary performance review report, the Office of the Legislative Auditor acknowledged the importance of the RMPB mission by finding that the manner in which some public records were kept threatened their continued existence.

The Division Concurs With Recommendations of the 2002 Preliminary Performance Audit But Finds the Draft Report Subject to Misinterpretation and Erroneous Implication.

In response to the 2002 Preliminary Performance Review, the Division concurs with the Auditors' recommendations that the Legislature should amend statute to set new deadlines for the RMPB; and, that the RMPB should comply with the amended statute. However, as explained in the following response, the Division found the draft report potentially subject to misinterpretation. The draft report implied that RMPB inactivity caused a statutory deadline to have been missed. This implication was erroneous.

The RMPB is Fully Functional and On-Track.

As described in this response, the RMPB is fully functional and on-track within a sequence of accomplishments that will provide real help to counties beginning in 2003.

The Division Thanks the State Legislature in Appreciation for Efforts to Protect and Preserve County Records At Risk of Loss.

In responding to the Auditor's 2002 draft report, the Division first extends its appreciation to the State Legislature for creating an opportunity for the Division to play such an important role on the RMPB. Issues affecting the management and preservation of West Virginia county records have existed since the establishment of statehood. The Division is confident that the important RMPB mission of establishing a system of records management and preservation for county governments will soon be accomplished due to:

- Σ A highly committed board and staff devoted to the accomplishment of the RMPB mission.
- Σ The increasing availability of affordable technology to protect and preserve records.
- Σ The creation of a new funding stream that will assist counties manage and preserve records.
- Σ A RMPB sincere welcome to the future challenges likely associated with its continuing success and a Division interest in helping counties address ongoing needs.

Despite Obstacles Beyond Control, The Records Management and Preservation Volunteer Board and Staff Have Made Commendable Progress Toward Statutory Mandates.

The First Obstacle to RMPB Activity Was Delay in the Confirmation of Members.

As described by the Legislative Auditors, the RMPB is composed of six members appointed by the Governor with the advice and consent of the Senate; and three nonvoting ex officio members, including the Commissioner of the Division who serves as Chair. One year ago, the Office of the Legislative Auditor found that because the RMPB members had not been

confirmed until April 14, 2001, the RMPB had not been in existence long enough to begin the process of analyzing issues affecting county records. The Division agreed with this finding. The first meeting of the RMPB occurred shortly after the confirmations on June 8, 2001.

Then, Delayed Spending Authority Stalled RMPB Activity.

On June 12, 2001, shortly after the first meeting, the Chair of the RMPB wrote to the Governor's Office asking for assistance in increasing the spending authority of the RMPB by \$100,000. As explained in the memorandum, the purpose of the requested increase was to allow the RMPB to activate a survey to assess county needs and practices. Further, the memorandum explained that the survey results were needed by the RMPB to feed into the development of rules to establish a mandated system of records management and preservation for county governments. However, the RMPB did not receive the requested \$100,000 increase in spending authority until March 8, 2002 (H.B. 4560).

It Was Not Lack of Attention to Responsibilities, As Found by the Performance Auditors, but a Lack of Authority to Spend Funds to Contract for a Survey of Counties that Stalled Some RMPB Activity.

The 2002 draft report by the Legislative Auditors failed to acknowledge that what appeared to be inattentiveness by the RMPB during a period of time was actually a Board ready and willing to act; but, awaiting the authority to spend money to accomplish its mission. This report also failed to mention that the RMPB waited for nine months to get spending authority for the county survey - a prerequisite in a logical sequence to fulfill its statutory mandate.

Delayed RMPB Spending Authority Disrupted the Most Logical Approach that the RMPB had Decided Would Achieve Statutory Compliance.

The draft report by the Legislative Auditors was also open to misinterpretation concerning the logical sequence of events that the RMPB had approved to achieve statutory compliance. While the Auditors correctly found a lapse in RMPB meetings and criticized the RMPB for inattentiveness to its responsibilities, the draft report does acknowledge work toward statutory compliance during the same period of alleged inattentiveness.

Despite the Alleged Period of RMPB Inattentiveness Cited by the Performance Auditors, Ironically, Significant Accomplishments Were Noted in the Draft Performance Audit

Report During the Same Period of Time.

The Division found the Auditors' draft report somewhat contradictory in that it alleged inattentiveness by the RMPB during the same period of time that it noted accomplishment. The Auditors' draft report acknowledges the filing of Legislative Rules on May 8, 2002, covering the County Records and Preservation Grant Program, but failed to indicate the intensity of deliberations by RMPB members about the rules prior to filing. The Auditors' draft report also acknowledged the completion of a draft comprehensive manual for use by county government and the relationship between the manual and the promulgation of additional rules on records management and preservation. The draft manual, Records Management Handbook For West Virginia County Offices, was completed with the assistance of a temporary employee and supervised by Division staff until the temporary employee returned to college in September 2002, a period of alleged RMPB inattentiveness.

The Performance Auditors Mistakenly Attributed the Failure of the RMPB to Finalize Draft Documents on Inattentiveness Instead of the True Cause – Data from the County Survey is Prerequisite to Finalization of the Documents.

The above described RMPB activities are mentioned in the draft report by the Performance Auditors as if the activities are still not completed because of the alleged limited attention given to them by the RMPB. The Division disagrees that such would be a correct impression. County survey results were and still are needed by the RMPB to move forward on the development of a records manual and the promulgation of additional rules. The RMPB will incorporate findings of the county survey into its final manual and the findings will influence rules on county records. In summary, lack of spending authority delayed a county survey that the RMPB considered prerequisite to its work. However, the delay in completing the survey of counties has not been caused solely by a delay in spending authority.

The Negotiation Period for the Contract for the Survey of Counties was Lengthy and Also Affected RMPB Activities.

Consistent with RMPB instruction and Legislative direction during Committee meetings, after the Division received the spending authority to do so, the Division entered into a collaborative Request for Quotations with the Courthouse Facilities Improvement Authority for a survey of counties. After waiting nine months to receive the spending authority to contract for a survey on county records that the RMPB had found prerequisite to fulfilling its

mission, it took four more months of procedures to establish the contract. The delay included the processing of a complaint from an architectural firm by the Purchasing Division. The contract, effective August 9, 2002, is with the West Virginia University Institute of Technology.

The Performance Auditors Cited the RMPB for Inattentiveness to Duties During a Period of Time that Division Staff, on Behalf of the RMPB, were Very Active In Successfully Finalizing a Complex Collaborative Contract For a Comprehensive Survey of Counties.

The draft Preliminary Performance Audit report acknowledged the existence of the above named contract. However, the Auditors did not acknowledge the work that went into finalizing this contract during the period of alleged RMPB inattentiveness; and, the Auditors did not investigate why it took four months to finalize the contract for the survey despite considerable efforts by Division staff on behalf of the RMPB.

The Survey of Counties for the RMPB is Nearing Completion, Its Findings Will Facilitate Task Completion and Statutory Compliance by the RMPB, and Its Status Illustrates Diligent Effort by Division Staff on Behalf of the RMPB.

As mentioned in the draft report by the Auditors, there have been a few issues or concerns related to performance under the above described contract. Since August 2002, Division staff members assigned to the RMPB have visited counties, trained line staff used under the contract to survey, and have interacted with others concerning this contract, especially the Certified Records Manager used to supervise the line staff. These activities were performed during the period that the RMPB was alleged to have been inattentive. It is the Division position that the RMPB has not been inattentive but, instead, was anxiously waiting for the county survey to be completed. And, the Division is pleased to report that absent extraordinary circumstances the wait is almost over.

Every County Has Been Visited At Least Once So Far As Part of the Survey.

Based on contract compliance monitoring, the Division is pleased to report that all of the counties have been visited at least once pursuant to the contract for the county survey. Follow-up visits are estimated as required for about half of the counties. A tentative report covering about half of the counties should be received by the end of December 2002. A final report of the county survey should be ready for distribution to the RMPB and other

interested parties by the end of January 2003.

The RMPB Has Experienced Inadequate Availability of Staff Support and Such May Have Contributed To Misperception By the Auditors That The RMPB Has Been Inattentive To Its Duties.

One factor not addressed in the draft report by the Legislative Auditors was staffing of the RMPB. Due to delay in spending authority as previously covered in this response, the Division could not employ staff to help the RMPB for several months. Staffing of the RMPB has been inadequate since inception of the RMPB. Staffing is inadequate at this time. Except for a three months period during which a temporary employee was hired, RMPB staffing has included the Director of the Archives and History Section and a State Archivist. Both of these positions involve the performance of numerous other Section duties in addition to the newer duties related to the RMPB.

A More Realistic Deadline for the RMPB May Have Still Been Needed If Adequate Staff Had Been Available From Inception to Assist the RMPB, But Adequate Staff May Have Prevented The Erroneous Finding By the Performance Auditors About RMPB Inattentiveness.

It would be difficult to measure the extent of the impact of inadequate staffing on RMPB progress. It is possible that statute would still have needed amendment to a more realistic RMPB deadline even if adequate staff had been available to the RMPB. On the other hand, it is likely that if the Division had the opportunity to assign a full-time staff member to the RMPB from its inception, there would have been improved documentation for the Performance Auditors about:

- ∑ The very hard work and diligence of part-time Division staff assigned to the RMPB and that had numerous other assignments.
- ∑ The obstacles that caused some delay in RMPB progress.
- ∑ Improved staff/ board communications demonstrating strong RMPB activity.
- ∑ And, the significance of the RMPB accomplishments toward statutory mandates despite an unrealistic deadline.

In the Spirit of Communicating Realistic Expectations - The

RMPB Will Need Staff If It Is Expected To Maximize Actual Impact On County Practices ñ The Future Role of the RMPB.

In consultation with the Division of Personnel, a draft job description for a full-time, preferably certified, Records Manager will be considered by the RMPB during its December 11, 2002, meeting. However, there are no certification programs for Records Management located in West Virginia. Further, the Division is not aware of a single Certified Records Manager employed in West Virginia. This means that the preference for a certified applicant may require a substitute credential unless an applicant from another state applies. Given this scenario and the common experience when posting positions with the Division of Personnel, March or April 2003, would be a reasonable expectation for the hiring of a RMPB staff member.

Staffing of the RMPB At This Time May Have Little Impact On Some Deadlines.

Since the above proposed staff member would need trained, it is unlikely that the staff member would be employed soon enough to be of much assistance with the production of the comprehensive manual or the filing of additional rules as discussed in this response. This is because the RMPB expects these tasks to be completed during May 2003 with or without additional staff.

However, Staffing of the RMPB Would Provide An Opportunity To Be Of Ongoing Assistance To Counties Attempting To Manage and Preserve Their County Records.

It is the Division's position that it will take more than the promulgation of rules and the availability of funds to address county records issues that have existed since statehood. If the RMPB is expected by the Legislature to continue to exist in order to assist counties improve practices over a longer period of time, it will need a staff member to provide on-site and telephone technical assistance to counties. Further, depending on the county survey findings, in addition to records management and preservation services, county officials and staff may need training in the use of computer software programs if the legislative intent is to maximize the impact of the RMPB on county records issues.

On Behalf of the RMPB, Division Staff Have Set Realistic Deadlines by Task.

Based on the RMPB experience to date, absent unexpected and extraordinary occurrences, the Division believes that the following deadlines

are realistic for the listed tasks:

- ∑ Completion of the Survey of Counties in mid January 2003.
- ∑ Hiring of a RMPB staff member by April 2003.
- ∑ Completion of the comprehensive manual and the filing of Legislative Rules in May 2003.
- ∑ Award of the first grant to a county in September 2003.

CONCLUSION

The Division of Culture and History is honored and proud to play an important role on the Records Management and Preservation Board (RMPB). After many years of increasing threat, due to the wisdom of the State Legislature in creating this Board, a real opportunity exists for the care and preservation of county records that otherwise would be surely lost forever. Given adequate resources and future Legislative approval, the RMPB has the potential to exceed existing statutory mandates by delivering technical assistance directly to counties ñ thereby ensuring that West Virginia counties will never again place their essential and historical records at risk of loss. The Division supports the continuing existence of the RMPB until it has had the maximum impact on county practices.

The Division is very proud of the accomplishments of Division staff and the Boardís progress toward improving the management and preservation of county records in such a relatively short period of time. Just nine months after the RMPB received enough spending authority to accomplish much of anything:

- ∑ **Board members have been trained;**
- ∑ **Every county has been visited by at least one member of a survey team as part of a comprehensive analysis of the scope of the problems affecting county records;**
- ∑ **Rules governing the award of grants to counties were promulgated;**
- ∑ **A manual to assist counties manage and protect records has been drafted;**

-
- Σ **A job description for project staff has been researched and is close to draft for Board consideration on December 11, 2002;**
 - Σ **And, there has been significant progress on the drafting of Rules to establish a system of records management and preservation for county governments to be filed in May 2003.**

These accomplishments were by a Board with members that receive no compensation and made possible through the efforts of existing Division staff members who exceeded expectations by accepting new additional duties. Except for one temporary intern that worked for three months this past summer, not one employee has been hired to date to serve the RMPB. In light of its accomplishments and expenditures, the Division objects to any implication by the Legislative Auditors that the RMPB has been inattentive to its duties.

The next few months will be a very busy and exciting time for the RMPB. Its initiatives are very close to completion. As found by the Legislative Auditors, there was period of time during which the RMPB had too little on its agenda to call an in-person meeting. It was waiting for spending authority to contract for a county survey, waiting through a period of the stalled negotiations concerning that survey, and waiting for the results of the survey to use to finalize work on its mandates. The waiting is very nearly over and its agenda is full.

The Division concurs with the recommendations of the Preliminary Performance Audit for the establishment of new deadlines to meet statutory mandates. Given the predictable and likely challenges and obstacles experienced by the creation of a new Board and as described in this response, 2003 would have been a realistic deadline to have included in the original enabling statute for the RMPB.

The Division defers further comment on the mandate that the RMPB conduct a study and make recommendation concerning the records management and preservation needs of state agencies. Comments included in the draft 2002 Preliminary Performance Audit were accurate. Once the RMPB completes its work on county records issues, it will address the needs of state agencies if required.

Further study could result in the Legislature amending statute because of suspected duplication between the RMPB and the Records Management and Preservation Advisory Committee that focuses on issues affecting state records. Or, as noted in the Performance Audit, the Legislature may find the RMPB requires specialized expertise to address the management and preservation of state records in addition to county records. In any event, the RMPB will continue to perform in the highly successful manner that it has established.

