

Performance Evaluation

**Records Management and
Preservation Board**

**The Records Management and Preservation
Board Is In Compliance with West Virginia
Code and Other Legislative Rules**



**June 2007
PE 07-03-408**

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OFFICE OF THE LEGISLATIVE AUDITOR

Aaron Allred
Legislative Auditor

John Sylvia
Director

Brian Armentrout
Research Manager

Miranda Nabers
Research Analyst

Performance Evaluation and Research Division
Building 1, Room W-314
State Capitol Complex
Charleston, West Virginia 25305
(304) 347-4890

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

June 5, 2007

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

The Honorable Jim Morgan
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Performance Review Act, we are transmitting a performance evaluation of the Records Management and Preservation Board, which will be presented to the Joint Committee on Government Operations and the Joint Committee on Government Organization on Tuesday, June 5, 2007. The issue covered herein is "*The Records Management and Preservation Board Is In Compliance with West Virginia Code and Other Legislative Rules.*"

We transmitted a draft copy of the report to the West Virginia Division of Culture and History on April 17, 2007. The West Virginia Division of Culture and History opted not to have an exit conference. We received the agency response from the West Virginia Division of Culture and History on April 24, 2007.

Let me know if you have any questions.

Sincerely,

Handwritten signature of John Sylvia in blue ink.
John Sylvia

JS/tlc

Joint Committee on Government and Finance

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Executive Summary

Issue 1: The Records Management and Preservation Board Is in Compliance With West Virginia Code and Other Legislative Rules.

The Legislative Auditor concludes that the Board has made considerable progress in the implementation of requirements as specified in West Virginia Code §5A-8-15 and is now operating in compliance.

The Records Management and Preservation Board is responsible to advise and assist county entities in the management and preservation of records. The previous two preliminary performance reviews concluded that the Records Management and Preservation Board had minimal activity. The current review shows the Board has completed a statewide survey and report on the current state of county records, developed rules and a County Records Management Manual for county offices, and sponsored records management workshops for county officials and staff. The Board has established legislative mandates in 2002 establishing guidelines for a county records management and preservation program and has awarded \$1,238,539 in the past three years. The Board completed the County Records Manual and has additionally made the manual and the records retention schedules accessible on its website as of 2003. The West Virginia Courthouse Facilities Improvement Authority Report was issued in 2003 and is accessible from the Board's website. The report conducted a survey and presented findings on the current conditions of records and storage methods, recommendations related to retaining and preserving essential county records using methods that reflect the best practices for modern county records management and preservation. In 2004, the Board established general standards and procedures for the effective and uniform management and preservation of public records created and filed under various county entities. The Legislative Auditor concludes that the Board has made considerable progress in the implementation of requirements as specified in West Virginia Code §5A-8-15 and is now operating in compliance.

Recommendations

1. *The Legislative Auditor recommends the Records Management and Preservation Board within the Division of Culture and History be continued by the Legislature.*
2. *The Legislative Auditor recommends the Legislature amend WVC §5A-8-15 to reflect the correct number of board members as being eleven.*

Review Objective, Scope and Methodology

This performance evaluation of the Records Management and Preservation Board was conducted in accordance with Chapter 4, Article 2, Section 5 of the West Virginia Code. A performance evaluation 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 performance evaluation is to determine whether the Board has completed its legislative mandates as required by West Virginia Code §5A-8-15. The evaluation will also analyze the Board's activity since the last review in December 2002.

Scope

This evaluation covers a period from December 2002 through March 2007.

Methodology

Information compiled in this report has been acquired from the West Virginia Code, Board meeting minutes, correspondence with the Director of Archives and History, expenditure schedules and information found on the Board's website. Every aspect of this review complied with the Generally Accepted Government Auditing Standards (GAGAS).

Issue 1

The Records Management and Preservation Board Is in Compliance With West Virginia Code and Other Legislative Rules.

Issue Summary

The current review shows the Board has completed a statewide survey and report on the current state of county records, developed rules and a County Records Management Manual for county offices, and sponsored records management workshops for county officials and staff.

The Records Management and Preservation Board is responsible to advise and assist county entities in the management and preservation of records. The previous two preliminary performance reviews conducted in 2001 and 2002 concluded the Board had little activity and given limited attention to its responsibilities. The 2002 review indicated the Board only had met twice since its inception in 2000. The Board has met 18 times since the previous review. The current review shows the Board has completed a statewide survey and report on the current state of county records, developed rules and a County Records Management Manual for county offices, and sponsored records management workshops for county officials and staff. The Legislative Auditor finds the Board has completed the mandates required by West Virginia Code §5A-8-15 and is operating in compliance with Code and legislative rules.

Board Background

The focus is to establish guidelines and provide technical assistance to address the needs of the records of county governments through a uniform records management system, and to further encourage adoption of these goals through the County Records Grant program.

The Records Management and Preservation Board was created by the Legislature in 2000 to develop uniform county records management procedures. The focus is to establish guidelines and provide technical assistance to address the needs of the records of county governments through a uniform records management system, and to further encourage adoption of these goals through the County Records Grant program. West Virginia Code §5A-8-15 requires the Board be composed of nine members, however, the Legislative Auditor observed an error in the section. According to Code, the governor appoints eight members of the board with the advice and consent of the Senate. The eight member board is composed of one historian, two attorneys and five elected county officials. The Commissioner of the Division of Culture and History is chair of the Board and one of the three ex-officio members of the Board. The other two ex-officio members are the Administrator of the Supreme Court of Appeals or designee and the Chief Technology Officer or designee. Including the other two ex-officio members, the Board is comprised of eleven members, not nine. Therefore, the Legislative Auditor recommends the Legislature amend WVC §5A-8-15 to reflect the correct number of board members as being eleven.

Revenue Collected by the Board

The Public Records and Preservation Revenue Account is the account for which all fees collected under the provisions of the West Virginia Code §5A-8-15, legislative appropriations, interest earned from fees, investments, gifts, grants or contributions received by the Board. Table 1 shows the revenues, expenditures and end-of-year cash balances for the Board. The Code also stipulates no more than 50 percent of revenue may be expended on grants for records management and preservation of county records projects. The Board uses the remaining funds for staff, administration, Board and statewide projects for county records. While reviewing this information, it was noticed that the end-of-year balances appear to be high in comparison to expenditures. The Director provided a statement that said the reason the end-of-year balances are high in comparison to annual expenditures is because the Board plans to use the remaining funds for other statewide projects in the future and current funds are insufficient to undertake projects of such magnitude at this time.

The Public Records and Preservation Revenue Account is the account for which all fees collected under the provisions of the West Virginia Code §5A-8-15, legislative appropriations, interest earned from fees, investments, gifts, grants or contributions received by the Board.

Table 1			
Records Management and Preservation Board Revenues, Expenditures and End-of-Year Cash Balances			
Fiscal Year	Revenue	Expenditure	End-of-Year Cash Balance
2003	\$493,852	\$135,290	\$1,200,518
2004	\$526,513	\$48,819	\$1,678,212
2005	\$478,210	\$231,644	\$1,924,778
2006	\$510,435	\$667,087	\$1,768,126
Source: West Virginia Division of Culture and History Records Management and Preservation Board. Monthly Financial Report June Closeout.			

The Director provided a statement that said the reason the end-of-year balances are high in comparison to annual expenditures is because the Board plans to use the remaining funds for other statewide projects in the future and current funds are insufficient to undertake projects of such magnitude at this time.

The Board Has Completed the Requirements of Legislative Rules

The 2002 review concluded the Board was in partial compliance with West Virginia Code §5A-8-15. In order to comply with Code, the Board established legislative rule CSR §100-1 that required the Board to complete a county assessment program of records, a manual outlining the county records management program and establishment of a grants program. The Board had not developed a system of records management and preservation for county governments. A provision in the rules calls for the development of a manual that is to include general records retention and

disposition schedules, on and off site storage requirements, filing systems, reformatting and electronic records guidelines, destruction procedures, and disaster preparedness procedures. As of the December 2002 review, the manual was in rough draft stage. The Board staff contracted with West Virginia University Institute of Technology to survey the current conditions of records and storage methods and make recommendations that would better the retention and preservation of essential county documents. The County Records Management and Preservation Grants program had yet to award any grants as of the 2002 review.

The current review finds the Board has completed the requirements of the legislative rules.

The current review finds the Board has completed the requirements of the legislative rules. A county records management assessment program was completed and yielded a report issued to the Legislature in 2003. The County Records Manual was completed in 2003. The manual is a guide for standards, procedures and techniques for effective management of records. It is accessible through the Board's website. Since the previous review, the County Records Management and Preservation Grants programs has awarded a total of \$1,238,539 in the past three years.

The West Virginia Courthouse Facilities Improvement Authority and the Records Management and Preservation Board contracted with the Tech Research and Development Corporation to present findings on the current conditions of records and storage methods, and then to make recommendation that would assist the State in making decisions related to retaining and preserving essential county records using methods reflective of the best practices for modern county records management and preservation.

West Virginia Courthouse Facilities Improvement Authority Report Was Completed in 2003

As required by CSR §100-1-3, the Board completed a county assessment of records program. The West Virginia Courthouse Facilities Improvement Authority and the Records Management and Preservation Board contracted with the Tech Research and Development Corporation, a non-profit affiliate of West Virginia University Institute of Technology, to conduct a survey and to present findings on the current conditions of records and storage methods, and then to make recommendation that would assist the State in making decisions related to retaining and preserving essential county records using methods reflective of the best practices for modern county records management and preservation. The Tech Research and Development Corporation subcontracted two firms; History Associates Incorporated (HAI) and Information Manufacturing Corporation (IMC) to accomplish the survey. Students majoring in History at West Virginia University Institute of Technology and one retired circuit clerk were contracted to conduct site visits of the courthouse in all 55 counties and to survey county offices in each courthouse. Students were trained in related records issues on a curriculum developed by the certified records manager and archivist from HAI. The training included classroom presentation and a visit to the West Virginia State Archives to expose survey team members to the different types of records. Two data survey forms were developed; one for the records and the other for the offices containing the

records. The county records and their storage conditions were surveyed and recommendations were issued with the purpose of creating efficient and safe storage. Thirteen recommendations are outlined in the executive summary of the report addressing various issues of records management, off-site and on-site storage, personnel training, and funding sources. The West Virginia Courthouse Facilities Improvement Authority Report was issued in 2003 and is accessible from the Board's website.

Completion of County Records Manual

Records retention is the primary tool for the management of records.

The County Records Management Manual is a standard guide for all employees who share in the creation, maintenance, and disposition of records. The manual's eleven chapters outline standards, procedures and techniques for effective management of records in West Virginia as required by CSR §100-1-4. County record retention schedules are addressed in the manual as well as detailed on the website. The assessor, circuit clerk, county clerk, prosecuting attorney and sheriff are county entities the Board requires record retention schedules. Records retention is the primary tool for the management of records. The record retention schedules detail the notification of authorization to destroy records, the destruction of records and the permanent retention of specific records. Each entity is responsible for specific records that have a unique retention period. The complete manual is accessible on the Board's website.

The Records Management and Preservation Grants program has awarded a total of \$1,238,539 in the past three years.

County Records Management and Preservation Grants Program

In July 2002, CSR §100-1-5 established general guidelines for a County Records Management and Preservation grants program. At the time of the previous review, no grants were awarded. Since then, the Records Management and Preservation Grants program has awarded a total of \$1,238,539 in the past three years. 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. Table 2 shows the fees collected by all 55 county clerks over the past five years. Funding for the County Records Management and Preservation Grant Program is through legislative appropriation of funds that are deposited in the public records and preservation revenue account from records filing fees collected by county clerks. West Virginia Code §5A-8-15 stipulates no more than 50 percent of the funds may be expended for grant program. The Board's County Records Grant Program funding utilizes the previous fiscal year revenue. For fiscal year 2007-08 grants, the funds derive primarily from fiscal year

2005-06. Unexpended grant funds are carried forward to re-award from failed grants or unexpended grant allocations.

Table 2	
Fees Collected by County Clerks for the County Records Management and Preservation Grant Program	
Fiscal Year	Amount of Fees collected
2002	\$474,107
2003	\$502,129
2004	\$513,076
2005	\$463,248
2006	\$473,490
Total	\$2,426,050

Source: Records Management and Preservation Board
Special Filing Fee for Public Records and Preservation

The Record Management and Preservation Board annually announces grant criteria to the county commission applicants. The criteria established by the Board focuses on implementation of record retention schedule, processing and indexing projects, and storage of records.

The Record Management and Preservation Board annually announces grant criteria to the county commission applicants. The criteria established by the Board focuses on implementation of record retention schedule, processing and indexing projects, and storage of records. The three specific grant criteria established for FY 2006 were: remove non-records and accumulations of records having reached or exceeded required retention periods; provide proper and improved storage of permanent or long-term records; and conduct a complete records inventory and condition assessment, and develop a master records management plan for county records. Furthermore, the Board also considered funding projects for reformatting or converting records scheduled as permanent, which require a high rate of access and for which an eye-readable format exists or will be created as microfilm and maintained as a security backup in proper environmental conditions. Table 3 shows the number of counties receiving grants and the total amounts funded by the County Records Management and Preservation Grants Program.

Table 3		
County Records Management and Preservation Grants Program		
Fiscal Year (FY)	Number of Grant Recipients	Total Amounted Awarded
2004	23	\$572,989
2005	17	\$330,480
2006	24*	\$335,070
Totals	64	\$1,238,539
*Six of the original 23 counties were third-time recipients Source: Records Management and Preservation Board Grant Recipient Announcement		

CSR §100- 2 outlines the objectives of the county records management program, the responsibilities of the Record Management and Preservation Board, county government entities and the Director of Archives and History.

In July 2004, CSR §100- 2 established general standards and procedures for the effective and uniform management and preservation of public records created and filed under the jurisdictions of various county government entities. The rule outlines the objectives of the county records management program, the responsibilities of the Record Management and Preservation Board, county government entities and the Director of Archives and History. In 2005, the Board conducted Grant Administration and Basic Records Workshops held at various locations throughout the state.

Conclusion

The previous two preliminary performance reviews concluded that the Records Management and Preservation Board had minimal activity. The Board has established legislative mandates in 2002 establishing guidelines for a county records management and preservation program and has awarded \$1,238, 539 in the past three years. The Board completed the County Records Manual and has additionally made the manual and the records retention schedules accessible on its website as of 2003. The West Virginia Courthouse Facilities Improvement Authority Report was issued in 2003 and is accessible from the Board’s website. The report conducted a survey and presented findings on the current conditions of records and storage methods, recommendations related to retaining and preserving essential county records using methods that reflect the best practices for modern county records management and preservation. In 2004, the Board established general standards and procedures for the effective and uniform management and preservation of public records created and filed under various county entities. The Legislative Auditor concludes that the Board has made considerable progress in the

implementation of requirements as specified in West Virginia Code §5A-8-15 and is now operating in compliance.

Recommendations

1. *The Legislative Auditor recommends the Records Management and Preservation Board within the Division of Culture and History be continued by the Legislature.*
2. *The Legislative Auditor recommends the Legislature amend WVC §5A-8-15 to reflect the correct number of board members as being eleven.*

Appendix A: Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

April 17, 2007

Fred Armstrong, Director of Archives and History
1900 Kanawha Blvd. E., Bldg. 9
Charleston, WV25305-0300

Dear Mr. Armstrong:

This is to transmit a draft copy of the Preliminary Performance Review of the Records Management and Preservation Board within the Division of Culture and History. This report is scheduled to be presented during the May interim meeting of the Joint Committee on Government Operations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us by April 20, 2007. We need your written response by noon on April 25, 2007 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by May 3, 2007 to make arrangements.

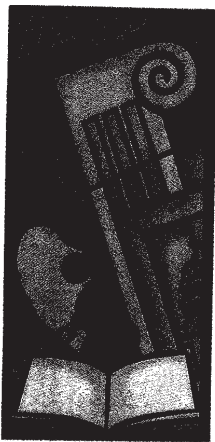
We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,


Brian Armentrout

Joint Committee on Government and Finance

Appendix B: Agency Response



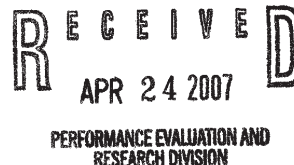
WEST VIRGINIA
DIVISION OF
CULTURE & HISTORY

The Cultural Center
1900 Kanawha Blvd., E.
Charleston, WV
25305-0300

Phone 304.558.0220
Fax 304.558.2779
TDD 304.558.3562
www.wvculture.org
EEO/AA Employer

April 23, 2007

Brian Armentrout
West Virginia Legislature
Performance Evaluation & Research Division
State Capitol Complex - Building 1, Room W314
Charleston, West Virginia 25305-0610



Dear Mr. Armentrout:

On behalf of the Records Management and Preservation Board (RMPB) I am responding to the draft copy of the "Preliminary Performance Review of the Records Management and Preservation Board" as submitted under date of 17 April 2007. The Chairman of the Records Management and Preservation Board and I have reviewed the report and find it to be a good reflection of the RMPB's efforts to address its legislative charge and the needs of the state's county records. We have no issues or exceptions to your study or its recommendations and will do our best to continue to strengthen the program along the guidelines established and covered in this report. As of this time we are unaware of any additional materials to share with the Joint Committee on Government Operations.

We thank you for this fair analysis of the work of the RMPB in behalf of the management of county records. We will do our best to be prepared and available for its presentation at the May interims of the Legislature. If additional questions or concerns should arise before then, or if there are additional requests of us for the May interim meeting, please let us know as soon as possible in advance of this meeting.

Very sincerely,

Fredrick H. Armstrong, Director
Archives & History

FHA/sjn

Fredrick H. Armstrong, Director
Archives & History • 1900 Kanawha Blvd. E., Bldg. 9
Charleston, West Virginia 25305 • (304) 558-0230 ext. 164 • Fax: (304) 558-4193 • E-Mail: fhamstrong@wvculture.org

