



October 2009
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SPECIAL REPORT

DEPARTMENT OF ADMINISTRATION State Records Retention and Management

AUDIT OVERVIEW

The Department of Administration Has Not Administered the “Records Management and Preservation of Essential Records Act” as Mandated by West Virginia Code §5A-8-1 et. seq.

There Are Areas of Concern Over the Level of Protection the State’s Records Are Receiving, Most Notably That the Storage Facility Used to Store State Records Has Been Cited With Several Fire Violations by the Charleston Fire Department



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EXECUTIVE SUMMARY

Issue 1: The Department of Administration Has Not Administered the “Records Management and Preservation of Essential Records Act” as Mandated by West Virginia Code §5A-8-1 et. seq.

The Legislative Auditor examined the Records Management and Preservation of Essential Records Act, as part of a study of records retention and management. The Secretary of the Department of Administration is statutorily charged as the administrator of the state records program. West Virginia Code requires the Secretary of the Department of Administration to establish procedures for records management. The Secretary stated that extensive discussion has occurred, although these procedures have not yet been created. Since these procedures have not been created, state agencies have been creating and following retention guidelines on their own. Additionally, the following mandates have not been fulfilled, since procedures for records management have not been created:

- Collection of records retention schedules from state agencies.
- Review of the program for selection of preservation of essential state records.
- Submission of an annual report to the Governor and the Legislature.

Furthermore, the Act establishes the Records Management and Preservation Advisory Committee to advise the Secretary of DOA on records management issues. The Legislative Auditor could not find record of when this committee last met, and believes this committee should be merged with Records Management Preservation Board, which is concerned with county records.

Issue 2: There Are Areas of Concern Over the Level of Protection the State’s Records Are Receiving, Most Notably That the Storage Facility Used to Store State Records Has Been Cited With Several Fire Violations by the Charleston Fire Department.

The statewide records storage contract is administered by the Department of Administration and managed by NOVA Records, LLC.

West Virginia Code requires the Secretary of the Department of Administration to establish procedures for records management. The Secretary stated that extensive discussion has occurred, although these procedures have not yet been created.

NOVA Records, LLC, is located at 1545 Hansford Street in Charleston and houses over 183,558 cubic feet of state agency records. The Legislative Auditor had a number of concerns regarding the NOVA after an August 2009 tour of the facility. As a result of these concerns, the Legislative Auditor contacted the State Fire Marshal and the Charleston Fire Department. These inquiries later revealed that the Nova Records, LLC, facility had been cited with nine violations by the Charleston Fire Department. In correspondence with the Department of Administration, it seems that DOA was unaware of these violations. Additionally, the Legislative Auditor had concerns about the heat and humidity of the facility, based on correspondences with the Virginia Records Program Manager.

Recommendations

1. *The Legislative Auditor recommends that the Department of Administration fulfill the statutory responsibilities outlined in West Virginia Code §5A-8-1 et. seq. by properly managing state records.*
2. *The Legislative Auditor recommends that the Secretary of the Department of Administration report to the Joint Committee on Government Organization in January 2010 with a projection of when records retention policies and procedures for state agencies can be finalized.*
3. *The Legislative Auditor recommends that the Department of Administration comply with other mandates of the Records Management and Preservation Act.*
4. *The Legislative Auditor recommends that the Records Management and Preservation Advisory Committee and the Records Management Preservation Board merge.*
5. *The Legislative Auditor recommends that the Secretary of the Department of Administration ensure that the State's records have adequate fire protection.*
6. *The Legislative Auditor recommends that the Secretary of the Department of Administration reevaluate the need for a state records storage facility with conditions that meet best practices instead of the facility currently offered by NOVA Records, LLC.*

7. *The Legislative Auditor recommends that the Legislature consider defining the term “fireproof” in the Code of State Rules §148-14-1 et. seq.*

8. *The Legislative Auditor recommends that the Department of Administration address the contract requirements that have not been met.*

OBJECTIVE, SCOPE & METHODOLOGY

Objective

The objective of this study was to examine the Department of Administration's compliance with statutory mandates made in West Virginia Code Chapter 5A, Article 8, Section 1 et. seq. and to review the facility that is used to store state records.

Scope

The scope of the report focused on the Department of Administration's fulfillment of statutory mandates made by the Records Management and Preservation of Essential Records Act, since 2006. Also, the Legislative Auditor concentrated on the Department of Administration's contract with NOVA Records, LLC, beginning in 2007.

Methodology

The Legislative Auditor utilized information contained in correspondences with the Secretary of the Department of Administration, notes and photographs collected from touring the NOVA Records, LLC, facility, fire inspection reports provided by the Charleston Fire Department, and information regarding the records management obtained from the Virginia Records Program Manager. Additionally, West Virginia Code and West Virginia Code of State Rules were used in this study. Every aspect of this review complied with the Generally Accepted Governmental Auditing Standards (GAGAS) as set forth by the Comptroller General of the United States of America.

ISSUE 1

The Department of Administration Has Not Administered the “Records Management and Preservation of Essential Records Act” as Mandated by West Virginia Code §5A-8-1 et. seq.

Issue Summary

As part of a study of records retention and management, the Legislative Auditor examined the Records Management and Preservation of Essential Records Act. The Secretary of the Department of Administration is statutorily designated as the administrator of state records and is charged with their management. As part of the statutory duties of the administrator, West Virginia Code §5A-8-1 et. seq. requires guidelines for establishing retention standards for state agencies. The Legislative Auditor found that the Department of Administration is not fulfilling its responsibilities and has not established a records retention program. By the Department of Administration not meeting these statutory requirements and not offering proper management, state agencies have been creating and following retention guidelines on their own. Additionally, since a records management program has not been established, other mandates required by the Records Management and Preservation of Essential Records Act cannot be fulfilled.

As part of the statutory duties of the administrator, West Virginia Code §5A-8-1 et. seq. requires guidelines for establishing retention standards for state agencies. The Legislative Auditor found that the Department of Administration is not fulfilling its responsibilities and has not established a records retention program.

West Virginia Code §5A-8-5 Establishes the Secretary of the Department of Administration as the “Administrator” of the State Government Records Program

West Virginia Code §5A-8-1 et. seq., known as the Records Management and Preservation of Essential Records Act (Act), designates the Secretary of the Department of Administration (DOA) as the administrator of the state records program. As the administrator of state records, the Secretary is statutorily charged with management of the following types of state records:

- a record of a department, office, commission, board or other agency;

- a record of the Legislature;
- a record of any court, whether statewide or local jurisdiction; and
- any record designated or treated as a state record under law.

Additionally, records are considered the following:

- documents,
- books,
- paper,
- photographs,
- sound recordings, and
- other material regardless of physical form or characteristics.

Furthermore, West Virginia Code §5A-8-4 defines essential records as the following:

- Records containing information necessary to the operation of government in the emergency created by a disaster.
- Records containing information necessary to protect the rights and interest of persons or establish and affirm the powers and duties of government in the resumption of operations after a disaster, which are not necessary in emergency created by disaster.

The Department of Administration Has Not Established Records Management Procedures for State Agencies

West Virginia Code §5A-8-7 requires that the Secretary of the Department of Administration

1. Establish standards, procedures, and techniques for effective management of records
2. Make continuing surveys of paperwork operations and recommend improvements in current records management practices including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing records
3. Establish standards for record retention schedules and disposal of unnecessary state records

4. Select the state records that are essential and determine their category
5. Obtain reports from state agencies that are necessary for program

In response to whether standard procedures have been created, the Secretary of DOA stated that extensive discussions have occurred, although standards have not yet been created. Additionally, no inventory reports have been collected from state agencies in the past three fiscal years that were requested by the Legislative Auditor, although reports had been collected in the past. The Secretary's response is as follows:

Extensive research, planning, and discussions have occurred within the Department of Administration related to records management, generally, and to program framework and options in order to create and adopt a uniform state-wide records management policy and procedures; however, standards, procedures, and techniques have not yet been created.

Without guidance from the DOA, state agencies have been forced to create and adhere to records retention schedules on their own.

Without guidance from the DOA, state agencies have been forced to create and adhere to records retention schedules on their own. Recently, the Legislative Auditor conducted a survey of state agencies' records retention practices, and found that there is inconsistency in how long agencies maintain records. The survey results show that some agencies may be maintaining records for too long, which may cause agencies to spend funds on records storage unnecessarily.

Multiple agency representatives stated in their survey response that records were maintained until completion of a legislative audit. The Legislative Auditor found that state agencies have consulted the Archives section of the Division of Culture and History for guidance in storing records, which was a source for informing agencies that records had to be stored until an audit was complete. **The Legislative Auditor states that agencies are not required to store records indefinitely until a legislative audit is completed.** This is a clear effect of the DOA not having standard procedures. If procedures were in place for state agency personnel to refer to, they would not have to consult other entities, and possibly receive information that is not necessarily a best practice. **As a**

result, the Legislative Auditor recommends that the Department of Administration adhere to the requirements of §5A-8-7, and establish records retention standards for state agencies. Furthermore, the Legislative Auditor recommends that the Secretary of the Department of Administration report to the Joint Committee on Government Organization in January 2010 with a projection of when records retention policies and procedures for state agencies can be finalized.

Upon the Creation of Records Management Procedures for State Government, the Department of Administration Should Comply with the Other Mandates of the Records Management and Preservation of Essential Records Act

In addition to establishing standards for records management, the Secretary of DOA is statutorily required to fulfill mandates that are dependent on the completion of the requirements outlined in West Virginia Code §5A-8-7. Specifically, the Act mandates the following responsibilities to the Secretary:

- Collect records retention schedules from state agencies (§5A-8-9(c)).
- Review at least once a year the program for the selection of preservation of essential state records (§5A-8-14).
- Submit an annual report to the Governor and the Legislature (§5A-8-19).

Since the Department of Administration has not created a records management program for state government, other mandates established by the Act can not be completed. **Furthermore, upon the completion of a records management program the Legislative Auditor recommends that the Department of Administration comply with other mandates of the Records Management and Preservation of Essential Records Act.**

The Records Management and Preservation Advisory Committee Is Not Functioning

West Virginia Code §5A-8-6 establishes the Records Management

If procedures were in place for state agency personnel to refer to, they would not have to consult other entities, and possibly receive information that is not necessarily a best practice.

and Preservation Advisory Committee to advise the Secretary of DOA on state records management issues. The statute establishes the following as members of the Committee:

The governor, [the] auditor, [the] attorney general, president of the Senate, speaker of the House of Delegates, the chief justice of the supreme court of appeals, a judge of a circuit court to be appointed by the governor, the director of the office of emergency services, and the director of the section of archives and history of the division of culture and history, or their respective designated representatives.

Although the statute does not establish the frequency that it is to meet, the Legislative Auditor could not find record of when the Committee last met. In an audit released in 2008 on the boards, commissions, and committees of the Department of Administration, the Legislative Auditor recommended that the Legislature should consider merging the functions of the Records Management and Preservation Advisory Committee with the Records Management Preservation Board under the Division of Culture and History. The Records Management Preservation Board is also established under the Records Management and Preservation of Essential Records Act, but is concerned with the preservation of **county records** rather than state records. Since the Advisory Committee for state records is still not actively meeting, the Legislative Auditor stands by the original recommendation of merging the two entities.

Although the statute does not establish the frequency that it is to meet, the Legislative Auditor could not find record of when the Committee last met.

Conclusion

The Records Management and Preservation of Essential Records Act designates the Secretary of the Department of Administration as administrator of state records. As the administrator of state records, the Secretary of DOA is statutorily charged with the creation and implementation of a records management program. Thus far, the Secretary has not created or implemented this program. Without guidance from the DOA, state agencies have been forced to create and adhere to records retention schedules on their own. Also, since DOA has not established records management procedures for the state, other statutory mandates have not been fulfilled. Specifically, the Records Management and

Preservation Advisory Committee has not been functioning as required by State Code.

Recommendations

1. *The Legislative Auditor recommends that the Department of Administration fulfill the statutory responsibilities outlined in West Virginia Code §5A-8-1 et. seq. by properly managing state records.*
2. *The Legislative Auditor recommends that the Secretary of the Department of Administration report to the Joint Committee on Government Organization in January 2010 with a projection of when records retention policies and procedures for state agencies can be finalized.*
3. *The Legislative Auditor recommends that the Department of Administration comply with other mandates of the Records Management and Preservation Act.*
4. *The Legislative Auditor recommends that the Records Management and Preservation Advisory Committee and the Records Management Preservation Board merge.*

ISSUE 2

There Are Areas of Concern Over the Level of Protection the State’s Records Are Receiving, Most Notably That the Storage Facility Used to Store State Records Has Been Cited With Several Fire Violations by the Charleston Fire Department.

Issue Summary

The Legislative Auditor reviewed the facility for storage of state records, managed by NOVA Records, LLC. The facility provides adequate storage capacity for state records. However, the Legislative Auditor observed a number of concerns over the manner in which documents were stored and the level of protection against substantial damage. The Legislative Auditor’s initial observations suggested that the risk of fire damage may be high. As a result of these concerns, the Legislative Auditor made inquiries with the State Fire Commission and the Charleston Fire Department concerning the storage facility. The inquiries revealed that the storage facility used by the State for its records had recently been cited by the Charleston Fire Department with several fire violations. As of the time of this report, these violations were still unresolved to the satisfaction of the Charleston Fire Department. One of the unresolved matters involves the need for a sprinkler system. It appears that the Department of Administration was unaware of this situation. The Legislative Auditor has a secondary concern that for most of the State’s records, the facility provides no climate control for long term protection against heat and humidity. Overall, the storage facility meets the State’s basic storage needs; however, the level of protection that is provided does not follow best practices. The Legislative Auditor’s primary concern is that fire protection at the facility is below standard. The Legislative Auditor recognizes that using a storage facility that provides climate control may be cost prohibitive for the State. Therefore, it is a policy issue for the Department of Administration and the Legislature. Nevertheless, the Legislative Auditor recommends that the State’s records be given greater fire protection than presently is provided.

As of the time of this report, these violations were still unresolved to the satisfaction of the Charleston Fire Department.

The Legislative Auditor recommends that the State’s records be given greater fire protection than presently is provided.

The Department of Administration Administers a Statewide Contract with NOVA Records, LLC, for the Storage of State Records

NOVA Records, LLC, (NOVA) is the current vendor of the statewide contract for the storage of state agency records. The contract is administered by the Department of Administration (DOA). NOVA's Charleston facility houses over 183,558 cubic feet of state agency records and is located at 1545 Hansford Street, about half of a mile from the State Capitol Complex. Image 1 shows the exterior of the facility.

Image 1



Exterior of NOVA Records, LLC, Charleston Storage Facility

From FY 2007 to FY 2009, the State has paid over \$1.6 million to NOVA Records Management to store state records. Table 1 shows the total amount that state agencies have paid over the past three fiscal years.

FY 2007	\$565,131
FY 2008	\$570,286
FY 2009*	\$524,474
Total	\$1,659,891
<i>Source: Information provided by the Department of Administration</i> <i>* FY 2009 totals through May 14, 2009.</i>	

NOVA Records, LLC, Is Not Providing State Records Adequate Fire Protection

West Virginia Code of State Rules §148-14-3 specifies guidelines for a state records center. The Rules mandate the physical location and facility requirements that are to be maintained by the center as follows:

The West Virginia State Records Center shall be a fireproof storage facility located in a centralized location in West Virginia which may be owned and/or operated or privatized.

As a result of touring the NOVA facility in August 2009, the Legislative Auditor had concerns about whether the facility was fireproof, and whether it offered the best protection against fire. Specifically there were concerns about the lack of a sprinkler system, and a wood roof with electrical wiring attached (see Image 2). Additionally, in some storage areas, boxes were stacked close to the top of the wood roof (see Image 3). Additional images of the NOVA facility can be found in Appendix C.

As a result of touring the NOVA facility in August 2009, the Legislative Auditor had concerns about whether the facility was fireproof.

Image 2



Electrical wiring attached to wood roof

Image 3



Boxes of records stacked close to the top of the wood roof

The Legislative Auditor contacted the State Fire Marshal with questions about fire code requirements for the NOVA facility. With the assistance of the State Fire Marshal, it was revealed that the storage facility had been recently inspected by the Charleston Fire Department, and the building had several violations. The Charleston Fire Department provided the Legislative Auditor with the fire inspection report dated May 15, 2009. The facility was cited for the following violations:

1. Lack of exit signs and illumination
2. Lack of covers for junction boxes
3. Storage heights of combustibles
4. Storage heights and clearance from ceiling
5. Refuse stored around shredders and compactors
6. Aisle widths of filing systems
7. Vertical opening in viewing area or mezzanine
8. Inadequate exit off the mezzanine
9. Headroom

With the assistance of the State Fire Marshal, it was revealed that the storage facility had been recently inspected by the Charleston Fire Department, and the building had several violations.

The inspection report was signed as being received by a representative from NOVA. The Charleston Fire Department sent a letter to NOVA dated June 3, 2009 with specific instructions for maintaining the facility in accordance with current fire and life safety standards, and notified the company that a plan of action was needed within 60 days. A copy of the inspection report, and follow-up letter are included in Appendix D. The Charleston Fire Department set a deadline of August 31, 2009 as the result of a verbal request by NOVA for an extension. The action plan was ultimately submitted to the Charleston Fire Department on September 3, 2009. In turn, the Charleston Fire Department responded to two of the items in the action plan by stating:

An additional 30 days has been given to NOVA to re-submit the action plan.

Your plan of action DOES NOT meet the minimum requirements of the code.

An additional 30 days has been given to NOVA to re-submit the action plan. **It does not appear that the Department of Administration was aware of the violations at the state records storage facility, since the Legislative Auditor was not informed of the violations through DOA.** Before learning of the fire violations, the Legislative Auditor had

contacted the Secretary of the Department of Administration to request whether he was satisfied that NOVA provided a facility that protected documents from disasters, such as fire. In his response, the Secretary stated that through tours and discussion with NOVA, the DOA is:

...satisfied that NOVA Records, LLC, is able to protect documents from disasters such as fire....

The Legislative Auditor has determined that the state records storage facility is not fireproof, as required by the Code of State Rules. Although the term “fireproof” is not defined in the Rules, the Legislative Auditor is basing his conclusion on the fire inspection report from the Charleston Fire Department. The Legislative Auditor recommends that the Legislature define the term “fireproof” in order for the Department of Administration and/or vendors to have guidance for fire protection of state records in the future.

The Legislative Auditor recommends that the Legislature define the term “fireproof” in order for the Department of Administration and/or vendors to have guidance for fire protection of state records in the future.

NOVA Records, LLC, Is Currently in Violation of the Statewide Records Storage Contract

Per the 2007 statewide records storage contract, the facility that maintains state records must provide the following requirements:

*The vendor **must** provide a facility that will protect all documents from disaster as defined in West Virginia Code 5A-8-3 which states: “Disaster” means any occurrences of fire, flood, storm, earthquake, explosion, epidemic, riot, sabotage, or other conditions of extreme peril resulting in substantial damage or injury to persons or property within this state, whether such occurrence is caused by an act of God, nature, man, including an enemy of the United States.*

The inspection report from the Charleston Fire Department indicates that the facility does not adequately provide protection against fire for the facility’s content. **In fact, the inspection report indicates that some conditions at the facility are increasing the risk of damage by fire.**

The Legislative Auditor Has Some Concerns With the Department of Administration’s Oversight of the Records Storage Contract

West Virginia Code §5A-3-4 authorizes the promulgation of rules regarding the Purchasing Division. In turn, the “Procedures Handbook” created by the Purchasing Division prescribes procurement regulations to state agencies. Section 10.2.3 of the “Procedures Handbook” states the following regarding the responsibilities of state agencies which are involved in contracts with vendors:

The agency is responsible for monitoring vendor performance and compliance with the specifications [of the contract] on a daily basis.

Those conditions should have been observed by the Department of Administration since it is responsible for administering the statewide contract with NOVA.

As stated previously, the Legislative Auditor toured the NOVA records storage facility in August 2009, and immediately had concerns as a result of the conditions. The Department of Administration had indicated that it was satisfied that the facility had adequate fire protection. Those conditions should have been observed by the Department of Administration since it is responsible for administering the statewide contract with NOVA. Additionally, there are a few other minor areas that DOA should address concerning the contract which are as follows:

1. The Department of Administration stated that it has not verified if the facility follows the Association of Records Managers and Administrators (ARMA) guidelines, although it has verified NOVA is a member of ARMA.
2. NOVA is not supplying the DOA with monthly reports showing the agencies that store documents and the total amount of cubic feet per agency at the facility. However, NOVA is supplying reports directly to each individual agency regarding the total amount of storage by the agency as well as monthly billing amounts. The DOA should receive these same reports from NOVA.
3. NOVA stated that it has conducted background checks of its employees, but the Department of Administration has not verified if this is true.

The State of Virginia Manages a Records Storage Facility with Greater Protection of Records than West Virginia's Storage Facility

Through research on records management practices, the Legislative Auditor found that the state of Virginia has a state-run facility located in Richmond, Virginia. This facility represents a best practice in the storage of state records. The Legislative Auditor contacted the Records Program Manager for Virginia's state records to better understand records facility management. In contrast to the facility which houses West Virginia records, the Virginia records facility is fully equipped with a sprinkler system and emergency lighting, which are backed by a generator. A photograph of the facility is shown in Image 4. Additional photographs are included in Appendix D.

Image 4



Virginia Records State Storage Facility

In contrast to the facility which houses West Virginia records, the Virginia records facility is fully equipped with a sprinkler system and emergency lighting, which are backed by a generator.

Also, the Virginia records center is an environmentally controlled facility which creates a stable climate for records. The center is maintained at 72 degrees, and at 45 percent relative humidity. According to the Records Program Manager, heat and humidity are detrimental to records. Additionally, a room that is allowed to fluctuate in both temperature and relative humidity may cause condensation on the articles in the room and accelerate the decomposition of paper records. The Virginia facility was built with an appropriation of \$10 million. The FY 2010 budget for the center is \$474,000, and considering it generated \$450,000 for its services last fiscal year, the facility is almost self-sustaining.

Conclusion

The Department of Administration has entered into a statewide contract with NOVA Records, LLC, to store the records of West Virginia state government. The contract requires NOVA to maintain certain operating environment and facility guidelines. Based on observations by the Legislative Auditor's staff and most notably the fire inspection report provided by the Charleston Fire Department, the State does not have adequate fire protection for the storage of state records. The Charleston Fire Department cited the NOVA facility for nine fire inspection violations in its report dated May 15, 2009. The Legislative Auditor will monitor NOVA's actions in correcting the fire inspection violations at the state records storage facility, and will update the Joint Committee on Government Organization and Joint Committee on Government Operations at an appropriate time. Fire protection clearly must be enhanced to the Charleston Fire Department's standards for the State to continue using the facility, but the Legislative Auditor must point out the lack of a sprinkler system or fire suppression system in the facility. While not required by the Charleston Fire Department, a sprinkler system would be considered corrective action for some of the violations. The State should evaluate whether a facility with a sprinkler system or other enhancements would be the best option. A secondary concern is the lack of climate control in most of the facility. The Legislative Auditor recognizes that enhancing fire protection beyond the requirements of the Charleston Fire Department or providing climate control would come at a significant cost. Providing a best-practice facility similar to the state of Virginia may be a cost the State can not incur at this time. Therefore, it is a policy issue for the Department of Administration and the Legislature. The Legislative Auditor recommends that the Secretary of the Department

Fire protection clearly must be enhanced to the Charleston Fire Department's standards for the State to continue using the facility, but the Legislative Auditor must point out the lack of a sprinkler system or fire suppression system in the facility.

The State should evaluate whether a facility with a sprinkler system or other enhancements would be the best option.

of Administration reevaluate the need for a state records storage facility with conditions better than those currently offered by NOVA Records, LLC.

Recommendations

5. *The Legislative Auditor recommends that the Secretary of the Department of Administration ensure that the State's records have adequate fire protection.*

6. *The Legislative Auditor recommends that the Secretary of the Department of Administration reevaluate the need for a state records storage facility with conditions that meet best practices instead of the facility currently offered by NOVA Records, LLC.*

7. *The Legislative Auditor recommends that the Legislature consider defining the term "fireproof" in the Code of State Rules §148-14-1 et. seq.*

8. *The Legislative Auditor recommends that the Department of Administration address the contract requirements that have not been met.*

Appendix A: Transmittal Let-

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

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John Sylvia
Director

October 9, 2009

Robert W. Ferguson, Jr.
Cabinet Secretary
Department of Administration
Building 1, Room E-119
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

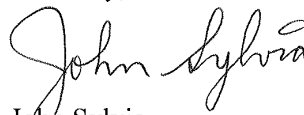
Dear Secretary Ferguson:

This is to transmit a draft copy of the Legislative Auditor's review of the Department of Administration's oversight of state records management. This report is scheduled to be presented during the October 15, 2009 interim meeting of the Joint Committee on Government Operations and the Joint Committee on Government Organization, which is scheduled from 12:00 to 2:00 PM in the House Chamber. It is expected a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees have.

If you would like to schedule a meeting to discuss any concerns you may have with the report, please notify us by October 13, 2009. In addition, we need your written response by noon on October 14, 2009 in order for it to be included in the final report. If your agency intends to distribute additional material to the committee members please contact the House Government Organizations staff at (304) 340-3192 to make arrangements.

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

Sincerely,


John Sylvia

Enclosure

_____ *Joint Committee on Government and Finance* _____

Appendix B: Fire Inspection Report and Follow Up Letters

From: 10/09/2009 09:12 #369 P.002/010

CHARLESTON FIRE DEPARTMENT (304) 348-8058 **FIRE INSPECTION REPORT** BUREAU OF FIRE PREVENTION 808 VIRGINIA STREET WEST CHARLESTON, WV 25302

DATE 5-15-09 BLDG. # _____ STREET HANSFORD TYPE & DIR ST NUMBER 1545

BUSINESS NAME A.S.I Nova Records DSA Archives Service BUSINESS PHONE 304 346 8878

INSPECTION TYPE GENERAL RECHECK OTHER Chg of Ownership

OWNER NAME Nova Records LLC ADDRESS _____ EMERG PHONE 304-1096-215371/05

MANAGER John Griffith Donna Jarrell ADDRESS John Coffey, 6100901 EMERG PHONE 304-8878-3041380199

PROTECTION

SPRINKLER SYSTEM LAST INSP TEST _____ LAST DRAIN TEST _____ TEST REQUIRED

STANDPIPE LAST FLOW TEST _____ TEST REQUIRED

ALARM SYSTEM LAST TEST DATE ADT 3/12/09 TEST REQUIRED

HOOD & DUCT SYST LAST TEST DATE _____ TEST REQUIRED

CONSTRUCTION TYPE 3C Unprotected Ordinary # STORIES _____ AREA PER FLOOR _____

OCCUPANCY TYPE 64 Warehouse OCCUPANT LOAD 11

INSPECTION FINDINGS

(N) = NEWLY WRITTEN ORDER
 (C) = PREVIOUSLY WRITTEN ORDER COMPLIED WITH
 (R) = PREVIOUS ORDER NOT COMPLIED WITH

VIOLATION CODE	DESCRIPTION OF VIOLATION (SEE REAR OF FORM FOR COMMON VIOLATIONS)	CODE REFERENCE
198 N	1. Provide exit signs and illumination	ISC, Sec. 5-10
230 N	2. PROVIDE COVERS FOR JUNCTION BOXES	NFPA 70
	3. Storage Heights of Combustibles poss. in excess of requirements	
	4. Storage heights and clearance from ceilings	
	5. Refuse stored around shredders & compactors	
	6. Aisle widths of filing systems need checked	
	7. Vertical opening in Viewing Area or Mezzanine	
	8. Exit inadequate off mezzanine area	
	9. Headroom	

ITEM # COMMENTS
 VIOLATION CODE 230 PERTAINS TO 1537 HANSFORD ST. SAME BUSINESS

1 Coderequirements for existing storage occupancy to be check prior to issuance of occupancy Ltr to be issued - No CoFO issued at this time - KT

COMPLIANCE WITH THE VIOLATIONS LISTED ABOVE IS REQUIRED BY THE CITY OF CHARLESTON ORDINANCES ON OR BEFORE THE COMPLIANCE DATE SHOWN BELOW, (OR AS NOTED IN THE COMMENTS SECTION), OR LEGAL ACTION MAY BE REQUIRED.

EVEN THOUGH A COMPLIANCE DATE HAS BEEN ISSUED FOR THE NOTED VIOLATIONS, THIS DOES NOT RELIEVE YOU OF THE RESPONSIBILITY FOR ANY FIRE DAMAGE, INJUREY, ET CETERA, WHICH THESE VIOLATIONS MIGHT CAUSE. IF COMPLIANCE IS NOT MADE BY THE ABOVE DATE, YOU ARE SUBJECT TO ISSUANCE OF A CITATION.

COMPLIANCE DATE _____ INSPECTOR(S) K Tyree COMPANY 423 SHIFT D

COPY OF REPORT RECEIVED BY Donna Jarrell DATE 5/15/09

COPY OF REQPORT SENT TO _____ DATE _____

PAGE ____ OF ____ COMPUTER FILE# 16094

From:

10/09/2009 09:12

#369 P.003/010



Charleston Fire Department

808 Virginia Street, West
Charleston, West Virginia 25302



Telephone: (304) 348-8137 FAX: (304) 348-0731

Randolph C. Stanley
Fire Chief

June 3, 2009

Nova Records D.B.A Archives Services
Attn: Ms. Donna Jarrell
1545 Hansford St.
Charleston WV 25311

Re: Inspection of Existing Storage Occupancy Building

Dear Ms. Jarrell:

A recent compliance inspection was conducted on May 15, 2009 at 1545 Hansford St., at which time you were informed that your building was possibly not in compliance with the West Virginia State Fire Code, which is adopted by the City of Charleston. This applicable code(s) include but are not limited to NFPA 101, Life Safety Code. Your inspection was conducted under the Storage Occupancy chapter (Chapter 42) of this code. I'm providing this letter to you with specific instructions for maintaining your business in accordance with current fire and life safety standards for the specific application or operating use of the referenced building.

1. Classification of Hazard of Contents is Ordinary Hazard. *"Ordinary Hazard contents shall be classified as those that are likely to burn with moderate or to give off a considerable volume of smoke."* This classification was determined due to the large volumes of cardboard and paper products.
2. A minimum number of exits (means of egress) shall be two as long as the arrangements of such exits are in compliance with the applicable code requirements. (see NFPA 101, Section 42.2.4.1 (2) The maximum allowable distance for the common path of travel and dead-end corridors in a building without an automatic sprinkler system is 50 feet. (see NFPA 101, Section 42.2.5.1) Our office's current measurements found the common path of travel to be 275 feet (maximum distance) and 76 feet (minimum distance). The definition of common path of travel is: *"The portion of exit access that must be traversed before two separate and distinct paths of travel to two exits are available."* (see NFPA 101, Section 3.3.34) The travel distance to exits shall not exceed 200 feet in an Ordinary Hazard Storage Occupancy. (see NFPA 101, Section 42.2.6) Our office's measurements found the distance to an exit(s) measured from the most remote areas of each building to be 316 feet (maximum) and 148 feet (minimum). It shall be noted that in all measurements taken for common path of travel and travel distance to exits only one measurement met the requirements of the code; this was the travel distance measure in building # 2 to the exit. **The option you have to meet the requirements of the code in these matters is the modification to stair systems and the installation of an automatic sprinkler system throughout the storage facility in accordance with NFPA 13, Standard for the Installation of Automatic Sprinkler Systems.**

From:

10/09/2009 09:13

#369 P.004/010

3. Provide illumination of the means of egress in accordance with NFPA 101, Section 7.8. In structures occupied only during daylight hours, means of egress shall be permitted to be illuminated with windows arranged to provide the required level of illumination on all portions of the means of egress during such hours when approved by the authority having jurisdiction. **Lighting for the facility must remain on throughout while the building is occupied.**
4. Emergency lighting shall be provided in normally occupied storage occupancies in accordance with Section 7.9, except for spaces occupied only during daylight hours with natural illumination in accordance with 42.2.8.2. **Emergency lighting within this occupancy shall be evaluated for its adequacy. Some paths of travel within the occupancy appear not to be provided with emergency lighting.**
5. Exits shall be clear of all obstructions and maintained to insure adequate exiting from the structure. This is in reference to the exits currently in place which are all required by the code. Illumination of these exits is required; marking of the exits and clearance of obstructions necessary. **There are exits not clearly identified and at least one exit partially obstructed by shelving. This does not eliminate the need for additional exits being required.** (see NFPA 101, Section 7.1.10)
6. The headroom clearance on the third tier of building's # 3 and 4 is inadequate. The minimum headroom to be maintained with projections from the ceiling is 80 inches. Measurements made by our office found headroom clearances of 65 and 71 inches. (see NFPA 101, Section 7.1.5) **Use of these particular areas is prohibited.**
7. The viewing room shall be separated from the storage occupancy by 2-hr fire rated assembly. (see NFPA 101, Section 6.1.14.4) **Currently there's an opening to the storage facility which shall be addressed by the installation of an approved assembly provided to this office for review.**
8. Automotive vehicles shall not be parked within the structure without 2 hr fire rated separation. Automotive vehicles and motorcycle found in the building adjacent to combustibles with no fire separation. With the installation of an automatic sprinkler system the fire separation requirement can be reduced to 1-hr.

There are two operational (housekeeping) instructions that this office will issue as the following:

- Refuse and shredded excess shall be cleared from around and under the machinery on a regular basis keep possible ignition sources to a minimum during machinery operations.
- Storage heights of boxes to the ceiling and the distance from all light fixtures shall be a minimum of 24 inches.

Please provide this office with a plan of action for the identified items within 60 days. The plan of correction shall have specific detail which shall include dates of correction/completion for each item.

Please don't hesitate to call our office at (304) 348-8058 if you have any questions.

Yours for better fire protection,



Kenneth E. Tyree Jr., Lieutenant
Fire Prevention Bureau

cc: Nova Acquisitions Corp(provided to
Ms. Jarrell), Fire Chief, City Attorney,
file, ket

***"An ounce of prevention is worth a pound of cure."* Benjamin Franklin**

From:

10/09/2009 09:13

#369 P.005/010



Charleston Fire Department



808 Virginia Street, West
Charleston, West Virginia 25302

Telephone: (304) 348-8137 FAX: (304) 348-0731

Randolph C. Stanley
Fire Chief

July 21, 2009

Nova Records D.B.A Archives Services
Attn: Ms. Donna Jarrell
1545 Hansford St.
Charleston WV 25311

Re: Question concerning Extension of Date of Receipt for Plan of Action on Inspection of Existing Storage Occupancy Building

Dear Ms. Jarrell:

This is a reply to your verbal request of an extension being issued for your company's submittal of a plan of action/correction to mitigate the identified violations from the inspection conducted on May 15, 2009. It is understood by this office that the previous reply of 60 days from the receipt of the initial letter will not be possible due the involvement of establishing a plan based on Fire Protection Engineer Jim Keiffer (Keiffer & Associates) recommendations and the coordination of that plan with the building owner's (John Griffin) portion of that plan.

Our office will expect the plan of action/correction to be submitted to our office no later than August 31, 2009.

Please Note: Even though an extension has been recognized; this does not relieve you or the owner of the building the responsibility for any fire damage, injury, et cetera, which these violations might cause.

Please don't hesitate to call our office at (304) 348-8058 if you have any questions.

Yours for better fire protection,

Kenneth H. Tyree Jr., Lieutenant
Fire Prevention Bureau

cc: Nova Acquisitions Corp (provided to Ms. Jarrell), Fire Chief, City Attorney, file, ket

"An ounce of prevention is worth a pound of cure." Benjamin Franklin

From:

10/09/2009 09:14

#369 P.006/010

June 2, 2009 Letter sent to NOVA Records, Donna Jarrell (Manager)

A recent compliance inspection was conducted on May 15, 2009 at 1545 Hansford St., at which time you were informed that your building was possibly not in compliance with the West Virginia State Fire Code, which is adopted by the City of Charleston. This applicable code(s) include but are not limited to NFPA 101, Life Safety Code. Your inspection was conducted under the Storage Occupancy chapter (Chapter 42) of this code. I'm providing this letter to you with specific instructions for maintaining your business in accordance with current fire and life safety standards for the specific application or operating use of the referenced building.

1. Classification of Hazard of Contents is Ordinary Hazard. *"Ordinary Hazard contents shall be classified as those that are likely to burn with moderate or to give off a considerable volume of smoke."* This classification was determined due to the large volumes of cardboard and paper products.
2. A minimum number of exits (means of egress) shall be two as long as the arrangements of such exits are in compliance with the applicable code requirements. (see NFPA 101, Section 42.2.4.1 (2) The maximum allowable distance for the common path of travel and dead-end corridors in a building without an automatic sprinkler system is 50 feet. (see NFPA 101, Section 42.2.5.1) Our office's current measurements found the common path of travel to be 275 feet (maximum distance) and 76 feet (minimum distance). The definition of common path of travel is: *"The portion of exit access that must be traversed before two separate and distinct paths of travel to two exits are available."* (see NFPA 101, Section 3.3.34) The travel distance to exits shall not exceed 200 feet in an Ordinary Hazard Storage Occupancy. (see NFPA 101, Section 42.2.6) Our office's measurements found the distance to an exit(s) measured from the most remote areas of each building to be 316 feet (maximum) and 148 feet (minimum). It shall be noted that in all measurements taken for common path of travel and travel distance to exits only one measurement met the requirements of the code; this was the travel distance measure in building # 2 to the exit. **The option you have to meet the requirements of the code in these matters is the modification to stair systems and the installation of an automatic sprinkler system throughout the storage facility in accordance with NFPA 13, Standard for the Installation of Automatic Sprinkler Systems.**
3. Provide illumination of the means of egress in accordance with NFPA 101, Section 7.8. In structures occupied only during daylight hours, means of egress shall be permitted to be illuminated with windows arranged to provide the required level of illumination on all portions of the means of egress during such hours when approved by the authority having jurisdiction. **Lighting for the facility must remain on throughout while the building is occupied.**
4. Emergency lighting shall be provided in normally occupied storage occupancies in accordance with Section 7.9, except for spaces occupied only during daylight hours with natural illumination in accordance with 42.2.8.2. **Emergency lighting within this occupancy shall be evaluated for its adequacy. Some paths of travel within the occupancy appear not to be provided with emergency lighting.**
5. Exits shall be clear of all obstructions and maintained to insure adequate exiting from the structure. This is in reference to the exits currently in place which are all required by the code. Illumination of these exits is required; marking of the exits and clearance of obstructions necessary. **There are exits not clearly identified and at least one exit partially obstructed by shelving. This does not eliminate the need for additional exits being required.** (see NFPA 101, Section 7.1.10)
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7. The viewing room shall be separated from the storage occupancy by 2-hr fire rated assembly. (see NFPA 101, Section 6.1.14.4) **Currently there's an opening to the storage facility which shall be addressed by the installation of an approved assembly provided to this office for review.**
8. **Automotive vehicles shall not be parked within the structure without 2 hr fire rated separation.** Automotive vehicles and motorcycle found in the building adjacent to combustibles with no fire separation. With the installation of an automatic sprinkler system the fire separation requirement can be reduced to 1-hr.

There are two operational (housekeeping) instructions that this office will issue as the following:

- Refuse and shredded excess shall be cleared from around and under the machinery on a regular basis
- keep possible ignition sources to a minimum during machinery operations.
- Storage heights of boxes to the ceiling and the distance from all light fixtures shall be a minimum of 24 inches.

From:

10/09/2009 09:15

#369 P.007/010

3096 Devon Drive
Suite 15
Windsor, ON
N8X 4L2



(519) 972-7979
Fax (519) 972-6999
jim@kiewerassociates.com
www.kiewerassociates.com

September 3, 2009

Charleston Fire Department
808 Virginia Street, West
Charleston, West Virginia 25302
Attn: Chief Randolph C. Stanley

Subject: 1575 Hansford Street, Charleston, WV – Nova Records – Plan of Action

Dear Chief Stanley:

The following is in response to the letter to Nova Records to the Attention of Ms. Donna Jarrell on June 3, 2009. Thank you for the opportunity to meet with Lieutenant Tyree and the Inspector to review the contents of the letter and assure you that we understood all of your concerns. We also appreciated your patience in allowing us the time to evaluate the alternatives and formulate a plan for completion of the items. Our comments on the 8 items in your letter are as follows:

1. We agree with your classification of the contents as Ordinary Hazard.
2. The drawings included show the following:
 - a. Life Safety Equipment – Emergency lights and exit lights.
 - b. Evacuation route drawings with and without proposed extinguishers.
 - c. Travel Distance drawings showing calculations for maximum of 200 ft and any dead end aisles.
 - d. Fire Alarm device location (pull stations and horn strobes).

These drawings are for all buildings and show proposed changes and equipment locations. They are not to scale but when submitted for permitting the contractors will be able to submit scaled drawings with calculations.

We have recommended 4 additional stairs and 4 additional doors to provide the required egress paths and shorten the distance to less than 200 ft maximum travel distance from any area in the racks. We have also recommended at the South end of Building # 1, that every other row (4 rows in all) have a section removed to allow two directional travel from all rows. This then meets the requirements of never being more than 200 ft from an exit and all dead end and common paths of travels do not exceed 50 ft. These doors and stairs will need to be designed, permitted, fabricated and installed. This is expected to take approximately 16 to 20 weeks.

*Fire Prevention * Life Safety * Sprinkler Design * Fire Alarm Design * Maintenance & Inspection Programs*
* Fire & Building Code Review * Due Diligence *Flammable Liquid Code Review *
* Fire Protection Audits * Fire Safety Plans *

From:

10/09/2009 09:15

#368 P.008/010

Reference: 1575 Hansford Charleston, WV

09.03.09

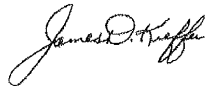
Page 2

3. Illumination will be provided along all egress paths to provide adequate visibility for exiting during normal operational hours. Plans will need to be drawn up and submitted for permitting and the materials ordered and installed. This will take approximately 12 weeks.
4. The Life Safety drawings enclosed show the installation locations and numbers for emergency lighting throughout the rack storage area. This spacing is in accordance with NFPA 101 and should provide sufficient lighting for the exit ways when normal lighting fails. This will be done at the same time as item 3 so will also take about 12 weeks.
5. Present Exits will be maintained clear of obstructions and new exits which are required for as per the need to reduce the travel distances will also be maintained free of obstructions. All exit paths and exits will be clearly marked by illuminated exit signs as shown on the LSE drawings. The exit ways will be cleared of obstructions within 2 weeks if they have not already been done. Where alterations to the racking are required it will take approximately 8 weeks.
6. We have investigated a number of potential solutions to maintain the required 80 inch headroom on the third level in buildings 3 & 4 and have not been able to find an acceptable and safe alternative so we will be removing the storage from this third level. We would appreciate your forbearance in allowing us a reasonable time to remove this storage to allow us to properly and safely provide alternate storage for this material. None of us want to create a bigger fire, safety or operational problem by hastily storing in unacceptable areas. There are approximately 32,000 boxes on this level and our plan is to move approximately 1000 boxes per week. This will allow us to perform this relocation in an orderly manner and not cause any disruption to our existing customers.
7. A two hour fire rated separation will be installed to separate the viewing room from the storage occupancy. Plans will need to be designed and submitted for permits and the installation completed. This will take about 12 weeks.
8. The automotive vehicles stored in the building will be removed within the next 2 weeks.

The housekeeping items noted will be included in the regular inspection and maintenance program.

All time estimates are approximate but we will try to meet these deadlines and will keep the fire department informed as to progress and any deviations from the schedule.

Regards,



James D. Kieffer, P.E.
President

JK/jd

*Fire Prevention * Life Safety * Sprinkler Design * Fire Alarm Design * Maintenance & Inspection Programs*
 * Fire & Building Code Review * Due Diligence *Flammable Liquid Code Review *
 * Fire Protection Audits * Fire Safety Plans *

From:

10/09/2009 09:16

#369 P.009/010



Charleston Fire Department

808 Virginia Street, West
Charleston, West Virginia 25302



Telephone: (304) 348-8137 FAX: (304) 348-0731

Randolph C. Stanley
Fire Chief

October 2, 2009

Kieffer & Associates Fire Protection Engineering
Attn: James D. Kieffer, Fire Protection Engineer
3096 Devon Drive, Suite 15
Windsor ON N8X 4L2

Re: Response to Plan of Action for Nova Records, 1545 Hansford St., Charleston WV

Dear Mr. Kieffer:

This is to acknowledge receipt of your plan of action dated September 3, 2009. We appreciate your immediate attention given to our notice of violation. After review of the plan of correction by the fire prevention bureau and their research of NFPA 101, Life Safety Code, 2003 Edition, Chapter 42 titled: Storage Occupancy, the following is a reply to your plan of action:

Item # 2 Your plan of action DOES NOT meet the minimum requirements of the code. Section 42.2.4 titled: Number of Means of Egress ask you to "see also Section 7.4". Section 7.4 titled: Number of Means of Egress states: 7.4.1.1. *The number of means of egress from any balcony, mezzanine, story, or portion thereof shall be not less than two...*. This office interprets that to mean fire rated exit enclosures shall be provided from all stories or direct exiting to the outside from each story shall be provided that meets the requirements of the code. (See NFPA 101, Chapter 7 including but not limited to Sections 7.1.3, 7.2.2)

Also pertaining to Item 2 is a vertical opening issue as identified in section 42.3.1 titled: Vertical Openings; it states: *"Any vertical opening shall be protected in accordance with Section 8.6 unless otherwise permitted by one of the following: (1) Existing open stairs, existing open ramps, and existing open escalators shall be permitted when connecting only two floor levels. (2) Existing, unprotected vertical openings in buildings with low or ordinary hazard contents and protected throughout by an approved automatic sprinkler system in accordance with 9.7.1.1(1) shall be permitted where they do not serve as required exits. All required exits shall consist of outside stairs in accordance with 7.2.2, smokeproof enclosures in accordance with 7.2.3, or horizontal exits in accordance with 7.2.4."* With an approved automatic sprinkler system in place; there would be protection placed on all levels (stories). **The option you have to meet the requirements of the code pertaining to item # 2 is: the modification to stair systems (as identified above by code reference) on all levels (stories) and the installation of an automatic sprinkler system throughout the storage facility in accordance with NFPA 13, Standard for the Installation of Automatic Sprinkler Systems. Note: This office shall be provided with drawings from the installation contractor for review prior to installation of such equipment.**

From:

10/09/2009 09:16

#369 P.010/010

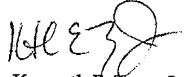
Items #d 3, 4, 6, 7, and 8 will be corrected in an acceptable manner based on your plan of action dated September 3, 2009.

Item # 5 Refer to our comments of Item # 2 to satisfy the additional exit(s) requirement.

Please provide this office with a plan of action for Item # 2 and 5 within 30 days. Note: You may provide this office with an addendum to your initial plan of action or send us a completely plan.

Please don't hesitate to call our office at (304) 348-8058 if you have any questions.

Yours for better fire protection,



Kenneth E. Tyree Jr.
Lieutenant

cc: Nova Acquisitions (provided to Ms. Jarrell), City Attorney, Capt Beaver, file

ket

"An ounce of prevention is worth a pound of cure." Benjamin Franklin

Appendix C: Additional Images of the NOVA Facility



NOVA Facility Shredding Area



Loading Dock Door



Entrance to the Main Storage Facility



Loading Dock Door With Multiple Holes



NOVA Storage Area

Appendix D: Additional Images of the Virginia Records Center



Exterior of Virginia Records Center



Interior of the Virginia Records Center



Loading Dock Door at Virginia Records Center

Appendix E: Agency Response



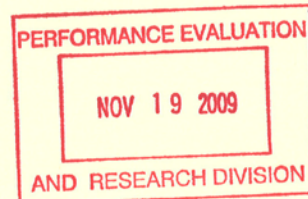
JOE MANCHIN III
GOVERNOR

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

ROBERT W. FERGUSON, JR.
CABINET SECRETARY

November 17, 2009

Mr. Denny Rhodes
West Virginia Legislature
Performance Evaluation and Research Division
1900 Kanawha Boulevard, East
Building 1, Room W-314



Re: State Records Retention and Management

Dear Mr. Rhodes,

I am in receipt of your special report on state records retention and management and respond as follows:

1. ***The Legislative Auditor recommends that the Department of Administration fulfill the statutory responsibilities outlined in West Virginia Code §5A-8-1 et. seq. by properly managing state records.***

Response: The Department of Administration agrees with this recommendation, and has retained the services of a records management consultant for advice on the most cost effective and efficient method for managing state records.

2. ***The Legislative Auditor recommends that the Secretary of the Department of Administration report to the Joint Committee on Government Organization in January 2010 with a projection of when records retention policies and procedures for state agencies can be finalized.***

Response: The Department of Administration agrees to report to the Joint Committee on Government Organization in January 2010, with an update of the status of the State's records retention policies.

1900 KANAWHA BOULEVARD, EAST • BUILDING 1, ROOM E-119 • CHARLESTON, WEST VIRGINIA 25305-0120 • 304.558.4331 • FAX: 304.558.2999

WWW.STATE.WV.US/ADMIN

EQUAL OPPORTUNITY EMPLOYER

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

3. ***The Legislative Auditor recommends that the Department of Administration comply with other mandates of the Records Management and Preservation Act.***

Response: The Department of Administration agrees with this recommendation, and has retained the services of a records management consultant for advice on the most cost effective and efficient method for complying with the mandates of the Records Management and Preservation Act.

4. ***The Legislative Auditor recommends that the Records Management and Preservation Advisory Committee and the Records Management and Preservation Board merge.***

Response: The Department of Administration will schedule a meeting of the Advisory Committee and bring this recommendation to their attention. Please note, however, that members of the Records Management and Preservation Board deal with County records and have no involvement with the retention and destruction of State records. Members of the Records Management and Preservation Board may not have interest, knowledge or expertise regarding State records as a whole.

5. ***The Legislative Auditor recommends that the Secretary of the Department of Administration ensure that the State's records have adequate fire protection.***

Response: The Department of Administration agrees with this recommendation and has retained the services of a consultant specializing in records management for advice on best practices for fire protection of records in large storage facilities.

6. ***The Legislative Auditor recommends that the Secretary of the Department of Administration reevaluate the need for a state records storage facility with conditions that meet best practices instead of the facility currently offered by NOVA Records, LLC.***

Response: The Department of Administration will conduct a cost-benefit analysis of whether it would be in the best interest of the State to build a new storage facility, including provision of adequate staff and resources, or to continue to contract the service out with a vendor.

7. ***The Legislative Auditor recommends that the Legislature consider defining the term "fireproof" in the Code of State Rules §148-14-1 et. seq.***

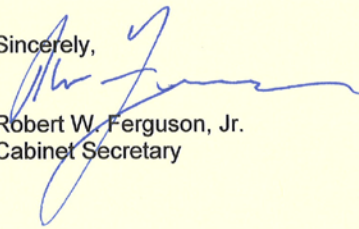
Response: The Department of Administration does not have an opinion as to whether the Legislature should define "fireproof."

8. ***The Legislative Auditor recommends that the Department of Administration address the contract requirements that have not been met.***

Response: The Department of Administration will request that a contract manager determine whether the contract requirements are being met.

If you have any questions, or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Ferguson, Jr.", written over the typed name.

Robert W. Ferguson, Jr.
Cabinet Secretary



WEST VIRGINIA LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314, State Capitol Complex, Charleston, West Virginia 25305

telephone: 1-304-347-4890 | www.legis.state.wv.us/Joint/PERD/perd.cfm | fax: 1-304-347-4939