

**REPORT OF THE
STATE ARCHIVIST ON THE
RECORDS-KEEPING PROCEDURES OF
COUNTIES AND CITIES
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 9

**COMMONWEALTH OF VIRGINIA
Richmond, Virginia
1981**

REPORT IN RESPONSE TO SENATE JOINT RESOLUTION 94 OF THE
GENERAL ASSEMBLY

1. Letter of Transmittal
2. Reprint of Senate Joint Resolution #94
3. Summary of Findings and Recommendations
4. Introduction
5. Findings
6. Recommendations

APPENDIX

- A. List of Records Microfilmed
- B. Consultant's Report



COMMONWEALTH of VIRGINIA

VIRGINIA STATE LIBRARY

RICHMOND 23219

DONALD HAYNES
STATE LIBRARIAN

December 30, 1980

TO: The Honorable John N. Dalton
Governor of Virginia

and

The General Assembly of Virginia

Pursuant to the provisions of Senate Joint Resolution No. 94 (1980), I am pleased to transmit herewith the report of the State Archivist on the records-keeping procedures of the counties and cities of the Commonwealth.

It is the hope of the State Library Board that this study will contribute to a greater awareness of the need systematically to manage public records to preserve the historical record, and to enhance the value and availability of information for all the citizens of this Commonwealth.

Respectfully submitted,

A handwritten signature in cursive script that reads "A. Gordon Brooks".

A. Gordon Brooks, Chairman
State Library Board

- 1 -

SENATE JOINT RESOLUTION NO. 94

Requesting the State Archivist to study records-keeping procedures in the Virginia courthouses and administrative offices.

Agreed to by the Senate, February 22, 1980

Agreed to by the House of Delegates, February 28, 1980

WHEREAS, the courthouses and administrative offices of the counties and cities in Virginia contain valuable records of historical and administrative significance not only to the localities and to the Commonwealth but also to the Nation at large; and

WHEREAS, on October twenty-four, nineteen hundred seventy-nine, the Greene County Court House at Standardsville was destroyed by fire, with many of the court records miraculously preserved through the foresight and diligence of the officials of Greene County, and by the excellent work of the State Archivist and the personnel of his office in retrieving, treating and restoring the court records, but with the loss of most of the records of local administrative offices housed in the building; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly of Virginia hereby requests the State Archivist, under the direction of the State Library Board of Virginia, to visit and survey the records-keeping procedures of the counties and cities of the Commonwealth to ascertain if proper precautions are being taken to preserve such records.

All localities of the Commonwealth are requested to assist the Archivist in his study. The Archivist shall complete his study and report his findings and recommendations to the Governor and General Assembly no later than January one, nineteen hundred eighty-one.

To defray the cost to be incurred in this study there is hereby allocated from the appropriations to the General Assembly the sum of seven thousand five hundred dollars.

President of the Senate

Speaker of the House of Delegates

Approved:

Governor

SUMMARY

A. FINDINGS

The Commonwealth of Virginia is quite fortunate to have a significant body of its historical record heritage still preserved. It is a tribute to local records-keepers that many records survive, but many records have been lost because of carelessness and unauthorized house cleaning by uninformed but well-meaning officials. Those records that do survive are endangered and the program to capture records on film should be accelerated.

Against catastrophes such as the Greene County disaster, the Commonwealth can no longer rely on good fortune for continued records existence. There is need for a disaster plan, coordinated by the State Library with the Office of Emergency Services.

Management skills must be brought to bear in an efficient manner to insure records availability. Those record procedures utilized to capture the information whether hard copy, microfilm, computer, recording tape or other medium grow without consideration for systems. The informational needs of government have compounded the problem.

The task of caring for the county and city records has become most difficult. The volume of recording has doubled within the last decade and county and city personnel have tripled often in that same time frame in order to provide services and meet the demands of information needs.

The growth in the volume of records necessitates expediting records retention and disposal programs and the consideration of off-site storage for non-current disposable records and archival storage for permanent records.

The demands and need for the development of records management procedures is apparent. No longer should records systems be allowed to develop without regard to a systematic evaluation of procedures, technology and information needs.

Some records retention and disposition periods are codified in the Code and these need to be changed. The Code provides for a procedure to develop guidelines on retention and disposition and should be used only when necessary to specify retention periods.

B. RECOMMENDATIONS

The General Assembly provided assistance to local government through the local records program in 1972 and the program continues to work directly with local officials in the preservation of vital records on microfilm and provides advice and assistance in local records management. This program, charged with insuring uniformity in records-keeping, should be accelerated in the areas of security microfilming to insure that all vital records in the localities that are not microfilmed are on security film. There

are twenty-one localities without security microfilm, and if a disaster should strike, there would be little available to reconstruct the records.

To prevent further reliance on good fortune, a disaster plan should be developed to insure preservation of public records in the event of a disaster. Legislation to authorize such a plan is recommended.

The rapid growth in the volume of records necessitates a systematic approach to managing the current and non-current records to insure orderly disposal of non-permanent records, and retention of those that are deemed of archival or permanent value. Again, an acceleration of the local records program is recommended by the addition of a records examiner to work directly with local officials.

A uniform set of retention and disposition schedules for local offices will provide a means to evaluate records, information needs and systems. The opportunity to share knowledge through educational seminars could also be developed.

Consideration needs to be given to the establishment of local records centers for the storage of non-current non-permanent records. This would reduce the use of expensive office space for the storage of such records and provide a means for greater control of records.

A number of sections in the Code contain specified time periods that certain records should be maintained. Some of these need to be changed, and specific amendments are recommended. All records prior to 1902 should be declared archival and the procedures authorized under the Public Records Act should be referenced whenever retention or disposition are specified.

This report represents the first major effort to study records-keeping procedures in local government. It is not definitive and should not be considered as such. Many of the problems are complex and deserve extended study. One area that deserves continued study is the impact of state regulations and requirements on local government records-keeping. A companion study of state agency records-keeping procedures would prove also of value.

INTRODUCTION

This report is being submitted to the Governor and the General Assembly of the Commonwealth in accordance with provisions of Senate Joint Resolution No. 94 (1980). It is aimed at evaluating current records-keeping procedures in the cities and counties of the Commonwealth.

Considerations were given in the study to the delivery of ser-

VICES through the existing local records program established by act of the General Assembly in 1972 and the current level of records-keeping practices in the localities. In conducting the study meetings were held with state agency personnel, many local officials in their operating offices, and with statewide associations of Municipal Clerks, Circuit Court Clerks, Treasurers, Commissioners of Revenue and a group of interested local officials called together by the Northern Virginia Regional Planning Commission.

To assist in the study, the services of a private consultant were utilized. Mr. Julian Mims of Data Management, is an expert in the area of local records management and his experience of over a decade in working with counties and cities in eight states, including the Commonwealth, uniquely qualified him for the task. He was charged with addressing and evaluating the following areas:

- a. Interrelationship of state and local government agencies for information and management requirements
- b. Current records systems and the management of information
- c. Non-current records disposition programs and preservation of vital records
- d. Interrelationship of record/information management to operational efficiency, preservation and disaster relief.
- e. Evaluate current records management program in relation to potential needs of the Commonwealth and develop realistic guidelines to meet the needs in the areas as outlined above.

In an intensive effort Mr. Mims travelled 1,245 miles across the Commonwealth in visiting twenty-one local officers, discussing records problems in each of those instances, and met with the three officials who have been designated by local governments as records administrators. In addition, he met with county executives, a circuit court judge, the Treasurer's Subcommittee, and members of the staff of the Archives and Records Division of the State Library. His report concentrated on conditions in nine localities and it is appended to this report.

FINDINGS

Records-keeping is a necessary function of government which has as its major objectives to manage the information in an efficient manner, to readily retrieve information, and to insure the preservation of information that is deemed of permanent value for administrative, legal, fiscal or historical reasons. Records are produced by government in the performance of duties prescribed by law. As the product of government, records are a resource of government. When properly maintained, records provide continuity to government and become the memory bank of government. The preservation of the public record is a public responsibility that the government must assume.

Records document the activities of government, the relationship of the citizen to the government and the rights and property of the citizens. Information is recorded as a result of an individual interacting with a unit of government or units of government interacting in response to legal responsibilities or rules and regulations. Information or data is recorded on a variety of mediums and the procedure of recording, filing and retrieving is a recording system. The types of records and recording systems can be as numerous as the data elements recorded. The duplication of records and record or information systems in state and local agencies became apparent, but the variations in similar systems from one locality to another prohibited a precise evaluation. The most striking conclusion that became apparent was the lack of any comprehensive picture of records systems or the impact of state and local agency regulations on information systems and the compounding effect of information requirements on various levels of government.

There are two distinct areas of records-keeping--those offices that have direct contact with the citizens of the Commonwealth and those administrative offices that seek to manage government. Each has its own need for information and the value of that information for retention purposes must be determined. The information needs are basically the same among similar offices from one locality to the next. The informational content of treasurer's records, records in the commissioner of revenue's offices, or circuit court records and other local county and city offices are basically the same. The methods of managing and the manipulation of that information varies.

Local government must have information to operate and the level of records management determines how well a county or city can function. Proper administration of records and information is at the heart of efficiency and economy in government. Facing an ever-increasing volume of data, it is crucial that keepers of the records handle their current data in a manner which insures the protection of the archival data while allowing maximum utilization and control over all information.

There have been limited efforts to introduce records management practices upon request of local officials who see the need to control and manage the volume of records in some localities. Historically, records have been allowed to accumulate and occupy valuable space and there has been no plan for the orderly retention and disposition of records. Procedures are being introduced gradually under the State Library's mandate in the Public Records Act, but the reality must be faced that the gap is being closed only gradually. Our record heritage is in danger of slipping away.

Following the destruction of the Botetourt County Court House by fire on December 15, 1970, and a study of records-keeping in courts of record, the 1972 General Assembly enacted House Bill 308 declaring

The State Library Board shall formulate and execute a program to inventory, schedule, and microfilm official records of counties and cities which it determines have permanent value and to provide safe storage for microfilm copies of such records, and to give advice and assistance to local officials in their programs of creating, preserving, filing and making available public records in their custody...

To implement these mandates, the State Library established a local records program and the security microfilming of the vital records in the circuit court clerk's offices was instituted. As its mandate expanded, the program offered more services to localities, such as assistance in establishing and monitoring standards and procedures for new recording systems, transferring stored inactive records to the archives and emergency disaster relief. The merger of the State Library Records Management Section with the Local Records Program in 1978, combined both state and local records programs under one administration. The new branch coordinates policies and procedures for retention and disposition schedules and monitoring micrographic standards, making for more efficient administration and uniform standards throughout the Commonwealth.

Since its creation in 1972 the local records program has conducted an intensive security microfilming project for the vital and historical local records. Microfilm cameras operating in Tidewater, Southside, Central, Northern and Western Virginia completed the security microfilming in sixty-one localities. In addition, local efforts have largely completed the security microfilming of the deeds and wills in twenty-seven local circuit court clerks offices. However, twenty-one localities are still without substantial security microfilm copies of the deeds and wills. Since many but not all valuable records of local government were stored in the court clerks office, microfilming of minutes of boards of supervisors, welfare and other such policy records were included in the security microfilming program.

Over 56,000 reels (the equivalent of 112,000 bound books) of

security microfilm are stored in the Archives and Records Division for the various localities. Of this total, 25,000 reels were generated by the local records program, and 31,000 by the local offices. This last figure includes film generated by circuit court clerks and other local offices.

Security of the vital records is directly related to the recording method. Microfilm is still being used in some localities as a means to miniaturize the records. The cost effectiveness of this type of filming is not always considered. The filming of certain non-permanent records for administrative and operational purposes could be cost justified, but it should be noted that microfilming is expensive and it has been determined that it is cheaper to store off-site for fifty years than it is to microfilm records that will not have an informational value for that time period. Also, independent microfilming operations contribute to fragmentation of information and records systems. Often the need to follow standard procedures for filming operations and to produce quality film that meets microfilm standards was not realized.

On the opposite side of the spectrum, the filming of permanent records for security is also being conducted by some localities. Some provide the camera negative for storage and some do not. Some retain the records after filming. The need is to utilize microfilm in a procedural recording system as the court clerks have done and not just film non-current permanent records

Any recording method not producing a security duplicate copy, stored off-site, is not satisfactory. Disasters and thefts occur and no degree of physical security completely protects the unique documents. However, the modest additional expense of microfilm generation virtually guarantees the survival of the most fundamental records of society.

In 1971, four recording methods were used in Virginia court-houses: microfilm print projection, negative photocopy, Xerox and typewriter. Of these, only the microfilm print projection provided the necessary second copy. All the methods suffered from questionable durability because of inadequate standards and testing procedures for the base materials and processing.

In 1980, the only method continued in use not producing a security copy is xerographic or instant copy recording. This method reduces the cost of making the record copy, but it does not provide for a security copy unless a backup microfilming system is used. Also, this method does not always produce a permanent copy and the toner will wipe away when it is not properly fixed to the paper. Failure to back up this recording technique with security microfilm that meets archival standards compounds this problem. Permanent records bearing on title to real property are not being maintained on a medium that insures permanency of the information.

A new recording system, procedural microfilm, now accounts for over one third of all deed recording in Virginia, and produces high quality, easily duplicated copies. Procedural microfilm recording began in Virginia in 1976 with the system installation in Richmond Circuit Court-Division I. Since that time the system has grown to ten installations accounting for 36.6% of all recording in the Commonwealth. Systems now being planned and installed will increase this percentage to 48.2%. Procedural recording offers significant advantages: generation of archival quality records, including the preparation of security copies on a current basis, total control of the recording process, increased speed of records research, space conservation, and overall cost reductions. The reduced format sharply restricts present and future space requirements by curtailing the physical growth of records and eliminating the need for the storage of the older hard-copy records in the operating office or record room. Procedural microfilm recording requires less staff time to produce, reduces material costs and limits or curtails the expense of service bureaus. The capital outlay, moreover, is minimal when compared to the unavoidable costs for new construction to house the increasing volume of hard-copy records.

The significance of the procedural microfilm recording process is that a systems approach was taken. The fact that it has been or will be adopted in offices recording approximately 48.2% of deeds recorded in the Commonwealth provides uniformity in records creation and maintenance across local lines. The systems approach needs to be considered for other local offices maintaining similar records. Without it, fragmentation will increase and continue to plague operating efficiency, access to information and management's efforts to evaluate practices and procedures. There is nothing as frustrating as trying to obtain data based on similar factors only to find that not all offices maintain the information in the same format.

This frustration is compounded by the lack of uniform records-keeping procedures. At the present time, the land tax records are being maintained in hard-copy format in some localities either on forms provided by the tax department or locally. The majority of the localities maintain their land tax information on computers either locally or state-owned, or they contract with a private computer service. The print-out from the computer can either be on paper or microfilm. Add to these already complex variations, the fact that the information format varies depending on how the computer program was developed and you have the potential for an information nightmare.

Security microfilming, microfilm, computer and computer/microfilm systems can provide relief and security to existing data and hard-copy records and xerographic processes can facilitate dissemination of copies. However, the need is to address the creation state and insure that record systems are developed that will efficiently manage the information and provide for retention of information that has been identified as historically permanent

vital records. There have been limited efforts to introduce records management practices and three localities--Hampton, Henrico, and Fairfax have local records management programs. To insure uniformity in records retention and disposition these programs comply with guidelines developed under the State Library's program.

The Public Records Act requires the State Library to provide records management services to all state and local government agencies. These services fulfill two purposes: to advise and assist agencies in the efficient and economical management of their records, and to appraise all government records for archival value based on their administrative, fiscal, legal and historical significance.

The control document is the records retention and disposition schedule. The records schedule describes the function and form of the records series, their physical and informational content, and recommends a retention and disposition plan. After approval by the agency, the State Library, the Auditor of Public Accounts, and the State Comptroller, the schedule constitutes a retention and disposition policy with continuing authority for the agency to act. Schedules always accommodate federal, state and local laws and regulations, as well as the administrative and fiscal needs of the agencies. Ideally, all records maintained by an office should be scheduled to assure accuracy and maximum efficiency.

To make maximum use of the available staff, the records management program concentrates on developing general retention and disposition schedules. General schedules for records series common to all agencies are developed through records examination and consultation with appropriate officials in different offices. Then, the general schedules are distributed for implementation. Draft guidelines and schedules for the offices of county administrator and commonwealth's attorney and guidelines for Treasurers, Commissioners of Revenue and Circuit Court Clerks, are now in process. Approved schedules are available and implemented in some localities for the local welfare departments, finance departments, municipal clerks, police departments and fire departments.

By the first of October, 1980, 308 schedules for 52 localities were approved and implemented. Scheduling makes possible, often for the first time, clearing useless records from cramped offices and storage space, as well as the identification of vital records and provision for their eventual transfer to the archives. The regular disposal of records, by destruction, or archival transfer or microfilming, prevents disorder and confusion in the local office, and facilitates preservation of the permanent documents of government. To begin to manage the records, a retention and disposition program is fundamental. Without it, the result is a haphazard approach. Local officials are looking for guidance in this area. Inability to respond because of lack of staff, limit progress in this area.

The need to inventory and schedule records is never so obvious than at the time of a disaster or the need for additional space. The fact that any records at all were saved after the explosion and fire at the Greene County courthouse must be considered a combination of luck, foresight in construction, determination on the part of the fire fighters and local officials and the availability of a team of professional records personnel who responded. Unfortunately, school census records for the period 1780-1940 were stored next to the furnace for want of space. The significance of these records becomes apparent when it is realized that they contained birth data not recorded at the Bureau of Vital Statistics for the period 1896-1913. Only the current deed receipt book and the current will receipt book were lost in the Circuit Court Clerk's office, but the Board of Supervisors Minute Books from April, 1972 forward, the Commonwealth's Attorney files, School Board records, Commissioner of Revenue, Treasurer, Building Inspector and County Manager files were destroyed along with the records of the Juvenile and Domestic Relations and General District Court. Some of the information could be reconstructed, but most of it was lost. Non-current records, which could have been removed, transferred to the archives, or destroyed added fuel to the fire.

The explosion and fire produced an administrative after-shock--the realization that there was no coordinated effort to assist in reconstructing the records. The result was a haphazard rebuilding of data as needed which at times resulted in wasted duplication of effort when two parties provided the same informational data. The lack of one body of information on the interrelationship of state and local agencies and their informational needs was apparent. The need to identify vital records and informational needs and to develop a disaster plan for public records would remove the necessity of relying on chance. A systematic approach to the management of records would provide local and state officials with guidelines to insure proper retention and disposition of data.

The Greene County disaster and the study pointed out another problem area -- the need for adequate storage. Vital records should be stored in a vault constructed to withstand fire and explosive forces. Not all such records are stored in vaults. Fire-proof cabinets might withstand the flames, but the intensive heat will destroy their contents. Non-current records that are of little reference value, but that have to be retained a specified time, should be removed from the operating office and stored under proper conditions. The lack of storage facilities for non-current records prevents removal from offices and makes management of the records more difficult. Only three localities are addressing this need. Permanent records are transferred to the archives, but most of the non-current as well as some of the permanent records are being stored in every place imaginable.

The greatest threat to the vital and historical records is storage in inadequate and often dangerous basements, attics, closets and outbuildings. To make room, records are relegated to any available space, after outliving their usefulness in the current business of the court. The result is continuing loss from neglect, vermin, water damage, extreme climatic changes, unguided house cleaning, vandalism and theft. Indiscriminately mixed, archival and disposable records quickly lose all order and accessibility, becoming useless to the custodian of the records and the researcher alike.

There is a growing awareness among the local officials of the dangers to the records and they express a willingness to deal with the problem. However, local or personal opposition to transfers away from the locality, the only remedy currently available, jeopardizes the records continuous existence. Thus a substantial volume of records remain in adverse storage, subject to the dangers of neglect. Of those dangers, theft is becoming one of the most alarming. Inaccessible records are useless to everyone.

Growing interest in local history generates increased use of local records by historians, genealogists, and others who find these sources endlessly instructive and fascinating. Coupled with this interest is a growing market of collectors and dealers legitimately trading in historical documents and imprints. Unfortunately, this interest attracts a small element interested only in exploiting the market regardless of the legitimacy of the merchandise.

This leads to another concern noted by local officials during the study. Although there is a Public Records Act and the staff of the State Library is actively working with local officials, records are subject to unlawful disposal. In one locality, some voting records, which by Code should be destroyed, were promised to a local historical group. In another, some records were illegally removed and sold. Unfortunately, a number of unauthorized disposals have occurred. Most local officials are aware of the nature of public records and the need to preserve those of value. The pressures of current operations force the problems of managing the non-current records to a lower priority.

Throughout the survey the same concerns were brought forth by local officials. They recognize the need for a systematic approach that will provide them with advice, assistance and guidelines on records creation, maintenance and preservation. They express concern over the need to revise specific sections of the Code relating to records retention. Many of their offices are cluttered and they need relief from the storage of non-current records and they need security storage for vital records. Perhaps the overriding need expressed was the need to be able to do away with archaic records and record systems and the duplication of records and information. The need to utilize more modern technology in records-keeping was expressed by many. The matter of fundi

is another question, but any utilization of technology should be systems oriented and not compounding the fragmentation that exists. The current problems, combined with the explosion in information needs and technology, are problems impacting on us that must be faced. As a resource, information and records like any other resource, must be managed to insure the most efficient utilization of time, money and effort. Without proper management, we can lose control of a valuable resource.

RECOMMENDATIONS

This report was undertaken with the principal aim of determining records-keeping procedures in counties and cities in the Commonwealth. The recommendations that follow are made from a consensus of those who took part in the study. The Virginia Public Records Act provides a single body of law applicable to all public officers and employees on the subject of public records management and preservation to insure that the procedures used to manage and preserve public records will be uniform throughout the state. The Public Records Act provides authority and procedures for the orderly management of public records and it is within the context of that act and the programs authorized by it that these recommendations are made.

1. Accelerate Security Microfilming Program

Security microfilming of circuit court records is now underway in seven localities. In addition to these seven, there are twenty-one localities without security microfilm of deeds and wills and twenty-seven localities with a few vital records on film.

If we consider only the number of deed and will books in the offices currently being and remaining to be filmed, it is estimated that it will take the five camera operators currently on the staff approximately four years just to microfilm those two series. The time required to inventory and microfilm the other bound vital records in the circuit courts will take at least twice as long as the time to do the deed and will books. It will take twelve years to complete the inventory work and to microfilm the bound vital court records.

As a matter of course, the minutes of local governing bodies are also microfilmed. The demand for this service has increased. The policy records of local government should be microfilmed. Based on the number of minute books of local governing bodies already on microfilm and the number of local units of government, it is estimated that it will take two years to microfilm this one series. Additional time would be required to locate and microfilm the minutes of local agencies, boards, commissions, etc.

With two additional camera operators it would take approximately four years for them to inventory and microfilm the vital court records in the twenty-one localities that do not have any records on microfilm. This would permit the prompt completion of the work in the smaller localities, and the administrative burden would not overwhelm the present management capabilities.

Additional staffing in the central office would be re-

quired to perform the film inspection and the quality control functions. At the present time, this function is under-staffed, so that the current film cannot be verified completely, and no staff time is available for the inspection of the backlog. Two additional positions would be required to keep up with the current work, with some effort being given to work on the backlog on a time-available basis.

The salaries of two additional camera operators will require \$25,038, and travel will cost \$10,000 per year. The salaries of the additional positions to inspect and to perform the quality control functions would be about \$20,000. The additional supplies will amount to \$25,000 for the cost of the microfilm. The required cameras are now available.

2. Increase Effort to Provide Guidelines on Records Retention and Disposition

While security microfilming can provide relief and security to existing hard-copy records, the need is to address the creation stage and to insure that records procedures are developed that will efficiently manage the information and provide for retention and disposition of the primary record series.

A number of local officials have expressed a desire for guidelines and concern over the delay caused by lack of available staff. This program is the foundation on which a records program is built. Many of the counties, cities and towns cannot support a full-time records manager and they look to the state for guidance and assistance. The development of guidelines for local records, which could be published in a manual for local officials, will require additional staff if they are to be available in the near future. Two additional positions (approximately \$30,000) will be required to accelerate this much needed aspect of a total records program.

3. Disaster Plan

A disaster plan with authority to act when vital public records are in danger must be developed. An amendment to the Public Records Act by inserting a new section is requested as follows:

42.1-91 Development of Disaster Plan.

The State Library will develop a plan to insure preservation of public records in event of disaster or emergency as defined in section 44.146.16. Said plan will be coordinated with the Office of Emergency Services and copies will be distributed to all agency heads. The personnel of the Library will be responsible for coordinating emergency recovery operations when public records are affected.

4. Code Revisions

Several suggested changes to the Code were made by members of subcommittees of local officials and they are recommended herewith:

- a. Amend section 42.1-82C by adding:

All records created prior to the Constitution of 1902 are declared archival and may be transferred to the archives.

- b. Repeal Section 58-919.2 and substitute:

The treasurer of any county, city or town may cause records to be destroyed after a specified time after audit with the consent of the Auditor of Public Accounts and the State Library in accordance with retention guidelines for records maintained by the treasurer established under the Virginia Public Records Act.

- c. Repeal Sections 17-47.1, 17-47.2 and 17-47.3 and insert the following as 17-47.1:

17-47.1. Disposition of papers in ended cases. The clerk of a Circuit Court may cause any or all ended records, papers, or documents pertaining to law, chancery and criminal cases which have been ended for a period of three years or longer to be destroyed if such records, papers or documents no longer have administrative, fiscal, historical or legal value to warrant its continued retention; provided such records, papers or documents have been microfilmed. Such microfilm and microphotographic process and equipment shall meet state archival standards and such microfilm shall be placed in conveniently accessible files and provisions made for examining and using same; and the clerk shall further provide security negative microfilm copies of such ended cases for storage in the Archives and Records Division of the Virginia State Library.

- d. Provision should be made for microfilming adoption records in the circuit court by the procedural microfilm recording system. To do so would require amending section 63.1-235 by adding the following paragraph:

Such records must be retained permanently in original form or on microfilm. Such microfilm and microphotographic process and equipment shall meet state archival standards and such microfilm shall be available for examination to those persons listed above; and the clerk shall further provide security negative microfilm copies of such records for

storage in the Archives and Records Division of the Virginia State Library.

- e. Section 17-46 should be amended in the first paragraph by striking the word "twenty" in line four and inserting the word "ten." In the second paragraph the words "Delinquent capitation tax books and" should be deleted, and the word "may" in the second line of the second paragraph should be changed to "shall."

Since the capitation tax is no longer applicable, consideration should be given to repealing any sections relating to capitation tax records.

- f. Section 17-46.1 should be amended to reduce the retention periods from 5 and 10 years down to 3 years for all three series of records mentioned and to provide for the procedures developed under the Public Records Act. The suggested revision would read as follows:

17-46.1. Maintenance and disposition of certain receipt books, cancelled checks and statements.

The clerk of each court of record shall maintain in his office all official receipt books showing receipt of any funds in his custody or that of the court, all cancelled checks showing payments from any such funds, and all statements of bank accounts in which funds of the clerk's office or of the court are deposited. Such books, checks and statements shall be maintained until they have been audited by the Auditor of Public Accounts, and for a further period of three years, in the case of receipt books, cancelled checks and bank statements. Thereafter, the clerk may destroy such records in accordance with retention guidelines for records maintained by the clerk established under the Virginia Public Records Act.

- g. It is recommended that the retention time for the serological test required for applicants for a marriage license (Section 20-1) be changed from 3 years to 60 days. The test is only valid for 30 days for the purpose of obtaining a marriage license and has no value to the court.
- h. Sections 58-884 and 58-806 require that the original personal property and land tax books be retained by the Commissioner of the Revenue. Currently, a copy is deposited in the archives for permanent retention. This copy is usually the fourth copy of a computer printout and of questionable legitimacy. The sections referred to should be changed to insure that the original is deposited in the archives directly upon

issue or after a specified time but no longer than 6 years as is specified for other copies of the same record.

5. Establishment of Satellite Record Storage Facilities

Provision is made in the Public Records Act for a records center for the storage of inactive records. At present, only temporary unused state owned space is being used in a limited way, but the need is apparent for a greater emphasis on this phase of a records management program. A network of storage areas in existing state and locally owned facilities would provide relief for the records custodian and would insure an orderly transition from current use to inactive or non-current storage to disposition. They would also relieve the records keeper from the burden of caring for inactive records and allow him to address current office administration.

The utilization of space in existing facilities would reduce the cost of establishing the program and would be more effective utilization of some space. Any such network more than likely will be a combination of state and local action but should be a coordinated joint effort.

6. Extend Study of Records-Keeping

This study marks the first effort to evaluate records-keeping procedures in local offices. It attempts to consider only one part of what is a complexly interrelated administrative effort. Records and information systems are established as a result of state agency requirements, legislative action and local need. The impact on records-keeping should be considered as part of the planning stage. It should not come as an afterthought or be allowed to develop without direction. Only by considering the information needs and interrelationship of state and local government agencies and by considering records-keeping procedures in state agencies can we begin to evaluate records-keeping procedures across all levels of government. Such a study would not enter into administrative decisions on agency operations but it would serve to provide a level of expertise and information to assist management in making decisions on information and records procedures and systems. Such a study would also provide legislative and executive levels of government with insight on the management of a major governmental resource.

7. Educational Seminars

Records management is a tool of management and the quality of records and information systems is directly related to the implementation of records management practices and procedures. The development of records-keeping procedures must be taken out of the realm of chance. Procedures and systems must be planned but there needs to be a means by which information can be shared and instruction in procedures, techniques and technological

advances can be conducted. Statewide associations of local officials address records problems during their annual meetings, but more intensive workshops and seminars are needed where the records keepers can address their records and information needs. The basic areas of files management, micrographics, forms and report management as well as the utilization of technology in limited and multi-faceted systems could be addressed.

8. Plats

Plats were and are the poorest made and kept records in the courthouses because there is no meaningful guideline for recording them. Present requirements are interpreted to mean that book sizes may vary from eight and one-half by fourteen inches to three by five feet. In a few cases a microfilm file is used. The plats may be recorded separately or in the deed books, and may consist of sections or reduced photocopies.

Procedural microfilm recording offers some hope for plat recording. Several clerks include the plats with the deeds and film them as a single series. Variations in plat size create problems in filming and printing, especially with the larger plats. Standards for plats are needed so that standard procedures for recording them can be developed.

9. Marginal Notations in Deed Books

The marginal notations of release and assignment record the release of an obligation, thereby materially affecting the chain of title to real property, and are as important as the original recordation. Marginal notations added to the deed book after microfilming compromise all security microfilm made up to 1976, and most of the microfilm generated thereafter. If necessary to reconstruct the records after a disaster, the marginals lacking on the film would have to be recovered from outside sources.

The introduction of procedural microfilm recording produced the certificate of satisfaction, an acceptable substitute for the marginal. Ten clerks of the circuit court now use procedural recording which, by definition, require the certificates. Thirty-six additional circuit court clerks also require the certificates, although many of these, on request, continue stamping the marginals with references to the certificates in the deed books. This practice supplements the certificates as a convenience to researchers. However, the advantages of complete records security necessitates consideration of abolishing marginal notations.

10. Expungement

Expungement legislation is specific as to requiring the act

of expungement or removal of information from records, but procedural guidelines are needed. In some cases information is retained by more than one agency and it is necessary to coordinate expungement actions. The procedural problems of removal of the information from the medium on which it is recorded and the necessity to remove any and all references to a case from specific series in which mention is made and indexes to those series has never been addressed. The lack of procedural guidelines has resulted in instances of partial expungement, sealing of records, a combination of the two actions, or complete expungement.

It is recommended that a special study be undertaken to address this problem. All local and state agencies who are called on to expunge information from their records should be represented.

APPENDIX A

Local Records Program
List of Records Microfilmed

- | | |
|---|--------------------------|
| 1. Clerk of the Court of Record | 2. Board of Supervisors. |
| Deeds | Minutes |
| Trust Deeds | |
| Release Deeds | 3. Jailer. |
| Plats (Plots) | Jail Register |
| Wills | |
| Fiduciary Accounts | 4. Electoral Board. |
| Accounts Current | Minutes |
| List of Heirs | |
| Memorandum of Facts for
Decedents | 5. School Board. |
| Bonds | Minutes |
| Chancery Order Book | |
| Law Order Book | 6. Social Services. |
| Criminal Law Order Book | Minutes |
| Clerks' Orders | |
| Judgment Liens & Executions
(back 20 years, relate
to cutoff) | 7. Health Department. |
| Miscellaneous Liens | Minutes |
| Record of Partnerships | |
| Armed Forces Discharges | 8. County Surveyor. |
| Naturalization Records | Plat Book |
| Marriage Register | |
| Register of Births & Deaths | |
| Register of Physicians and
Dentists | |
| Record Books of Insane, Epi-
leptic, Inebriate | |
| Index to State Highway
Plat Book | |
| Index to Ended Chancery Causes | |
| Index to Ended Law Causes | |

APPENDIX B

CONSULTANT'S REPORT

ABSTRACT

Virginia public records at the local government level are among the most valuable of all the assets of the Commonwealth. Yet the threat to their well-being is ever-present. The incessant loss of this distinctive information--whether by catastrophe such as the Greene County fire of October 24, 1979, or by the continued dispossession of records due to pilferage and neglect--is an irrefutable fact. The Commonwealth must acknowledge the gravity of this situation and move quickly through appropriate action to:

- (1) stop the erosion of its documentary heritage;
- (2) facilitate the full utilization of this priceless information;
- (3) encourage efficiency and economy in government by proper management of records and information.

PROPER PRECAUTIONS AGAINST THE LOSS OF PUBLIC RECORDS

The loss of public records from Virginia counties and cities is continual. Examples abound. The explosion and fire in Greene County, October 24, 1978, which demolished the county office building and gutted the courthouse could easily have destroyed all the records accumulated therein. The flood which damaged the courthouse in Grundy in April, 1977, also attests to the real threat of natural disaster. Such catastrophes, however, are not nearly so common and pervasive as other losses of records. In Fluvanna County, the plat of Palmyra in the early eighteenth century cannot be located and has been replaced with a sketch which is unofficial and probably inaccurate (Fluvanna County Deedbook 30, page 260). In the summer of 1978, papers dating back to 1764 were stolen from the Charlotte County Courthouse (see Newport News Daily Press, December 7, 1980). Scores of instances can be cited, not only of past losses of records in the Revolutionary and Civil Wars, but in the relentless dispossession of public documentation at all levels of local government.

It is imperative that preventive measures arrest the steady erosion of public data. The most direct means toward this end is the expansion of security microfilm capability within the Virginia State Library. The Archives' Local Records Section has a working knowledge of the records and the micrographic experience to move swiftly to safeguard on microfilm any material of permanent

value which has not been secured via microphotography. There are, in addition, procedural and statutorial adjustments (discussed later in this report) which are in order. However, the immediate emphasis should be placed squarely on the strengthening of the Virginia State Library security microfilm program.

To deal directly with the possibility of another catastrophe such as that which occurred in Greene County, a disaster plan should be prepared. Covered more fully in another section of the consultant's report, this plan would be another precaution which would be totally justified.

Other precautionary measures which can be extremely effective are procedural in nature. The simple practice of depositing the Board of Supervisor's Minute Books with the Clerk of court is an example. This formerly was standard practice and should be resumed, for the clerk's vault is generally the most secure storage area within any given courthouse.

OTHER CONSIDERATIONS

Interrelationships of State and Local Government Agencies for Information and Management Requirements

Understandably there is much sharing of data between state and local government. Each level of government, in countless instances, is dependent upon the other for information which it must have to conduct business. Much of this data, however, rather than facilitating business operations, actually hinders the working of government for the data may be unnecessary, a duplication of other information, or entered, transmitted, or handled in an inefficient manner.

- Example: (1) Land tax book data required of all localities should be standardized to facilitate its use by the Commissioner of the Revenue and others.
- (2) The tax department has statutory authority to set the format for data received. This is not done, however, and as a result columnar figures and totals are produced in different ways.

The efficiency and/or inefficiency of sharing data between state and local governments has never been fully probed. Many examples can be cited where improvement is needed. However, a comprehensive study of the data interchange between state and local governments is needed in order to comprehend the extent of the problem and to perceive solutions. It is a recommendation of this

consultant that the information relationship of state and local government agencies be studied in a separate and intensive effort.

Current Records Systems and the Management of Information

Most of the time and effort of each office is given to the creation and maintenance of current records. It is the pressure of everyday business that is of greatest concern to local officials. The intensity of current recording is clearly manifest:

- a northern Virginia County processes 1.2 million checks each year
- a single office in Virginia Beach processes 16,000 checks a month and 1.2 to 1.3 million tax receipts annually
- a Tidewater city treasurer issues 180,000 personal property tax bills twice a year
- the office of the Prince William Circuit Court Clerk recorded 30,044 instruments in 1979, double the rate of recording a decade ago

Local government must have information to operate and the level of records management determines how well a county or city can function. Proper administration of records and information is at the heart of efficiency and economy in government. Facing an ever-increasing volume of data, it is crucial that records officers handle their current data in a manner which insures the protection of the archival data while allowing maximum utilization and control over all information.

Non-Current Records Disposition Programs and Preservation of Vital Records

The statewide problem of records accumulation is not being adequately addressed. Except for the efforts of the Virginia State Library, few records retention/disposition schedules are being prepared. As a result, vast quantities of records which have lived out their usefulness continue to build up, not only consuming any space available for inactive records storage but also encroaching upon active office areas and interfering with the normal business of local government. The extensive application of records retention/disposition schedules and proper facilities for inactive records storage will be immensely helpful in remedying this problem.

The effort to preserve vital records has been fragmented, lacking perception as to what records should be safeguarded and by what means. Microfilm can be very significant but most counties have not adopted procedural microfilm recording of vital records and those that have instituted microfilm recording have often been troubled with deficiencies in film production. This film is frequently sub-standard in quality, is not kept up-to-date, and is improperly identified. Most circuit court clerks in the event of a disaster could piece together much of the real property records from a collection of microfilm which might include that of his or her own office, the Virginia State Library, and a variety of commercial microfilm producers. However, in most instances the security film would not be complete enough to allow a title abstract of all the real property records, much less the other important records of the counties and the cities.

This observer is unable to cite a single instance among all the Virginia counties and cities where all the vital records are fully protected. Either the:

- security copies do not cover the records series in their entirety;
- security copies do not touch all records of permanent value;
- vital records concept does not acknowledge that certain information should be protected temporarily for its vital data even though there may be no permanently valuable information in the particular record.

If vital records are to be safeguarded, the effort must encompass

- the deeds just brought in for recording as well as the earliest deedbook;
- all the important files of the court, not just the orders and decrees;
- all portions of the record, not just the original document but significant up-dates as well;
- all records of import across the entire county or city, not just those of a select office.

Interrelationship of Record/Information Management to Operational Efficiency

Public recordskeeping in Virginia is becoming increasingly difficult. The vestiges of previous office operations are evident in the carryover of vast quantities of obsolete data. There are added complexities due to new local, state and federal regulations; geometric advances in population growth and mobility; and spiraling costs of records personnel, equipment and supplies. Further there is a bewildering maze of technological developments from which an official must choose in order to stay current in maintaining information. The combination of these factors has created an operations problem for contemporary records officers to an extent which their predecessors never experienced. Against these challenges, records officers must adopt management practices and technological improvements which will enable them to do the job easier and at less expense.

Let us examine more carefully the exigencies of public records-keeping. In the decade from 1968 to 1979 in the nine counties studied, the number of documents recorded by the circuit court rose by 64 per cent. Real property and court recording increased by 125 per cent and 135 per cent, respectively. While these counties experienced a population growth averaging 55% over the past decade, their court receipts increased 260.51%, bringing in a total revenue of \$7,324,929--every cent of which had to be accounted for. Against these challenges, it is not surprising that files growth is estimated in Chesterfield County at 25% yearly, that this county required 8 new public buildings in the 70's, and that the number of employees in the nine county workforce more than doubled. Without special measures to come to grips with these challenges, local government will lose its effectiveness because it will have lost control of its information.

Several offices and counties through their example have shown the impact of operational efficiency.

- Fairfax County through the application of Computer Output Microfilm: (1) eliminated 300,000 data processing printouts, saving \$2,245 in paper and binding costs; (2) saved \$4,801 annually by converting the Juvenile and Domestic Relations Court to COM;
- Chesterfield cut the task of jury selection by 50% utilizing the computer, and required no staff increase to meet demands despite a leap of 8,396 within this decade;
- the City of Hampton cut \$30,000 from its records management budget (reducing its 9 member staff to 3) through improved control of the creation of files and photocopying;

- the Norfolk assessor employing data processing released two staff positions. The City Clerk eliminated three positions through an entry into data processing;
- the City of Virginia Beach identified 16,880 pages of data in one year which could be eliminated as needless duplication and reduced 60,000 ledger cards to 35 microfiche.

Local government continues to plan improvements in handling the mounting bank of data. The City of Norfolk anticipates additional revenue by the automatic, computer-assisted assessment of 70,000 properties. The Virginia Beach Treasurer, employing a receipting machine which will process 1,000 payments an hour, anticipates the immediate elimination of seven positions and the ultimate reduction of office staff from 66 to 50.

To meet this challenge and realize the benefits of modern technology, progressive action will be required. The staff reduction referred to above (66 to 50 persons) may necessitate the cutting of one quarter million dollars of computer terminals, but it must be done within the context of uniformity in records systems and records keeping practices as provided under the Virginia Public Records Act.

Interrelationship of Records/Information Management to Preservation

There is an interdependence between the management of current records and the preservation of documentation of permanent value. As modern methods of records management are employed such as micrographics, data processing and word processing, there is abundant opportunity either to protect or lose control of the information of permanent value. Carefully planned, the equipment and procedures used to manage the current records can also provide for archival data. Satisfactory results, however, will only be gained if there is professional analysis, design and maintenance of systems which will at once control current records while safeguarding the archival nucleus within that data. Coordination with the staff of the Archives and Records Division of the Virginia State Library is essential to insure preservation of vital data.

Interrelationship of Records/Information Management to Disaster Relief

Proper management of records can provide built-in safeguards against disaster. The growing propensity of data systems to produce duplicate copies, particularly on microfilm or electronic data processing tape, can be an extremely effective protection against disaster. Auxiliary copies, placed elsewhere for security, can immediately be duplicated and made available on-site to reconstruct data lost in a disaster.

EVALUATION OF EXISTING RECORDS MANAGEMENT PROGRAMS

The Commonwealth's Program for Preservation and Management of Local Records

The local records program at the Virginia State Library is one of the premier units of its type in all of the United States. Although it does not cover the complete spectrum of records services, it has done well in all chosen areas of endeavor and its priorities have been altogether proper. The primary object of the program, over all other options, has been preservation of permanently valuable information. The method employed has been microfilming and, in its brief lifespan, 1972 to date, the local records program has protected via film the most important records.

Still, at the present rate, security filming of all counties will not be completed for another twelve years. It is crucial that the program be strengthened, not only to complete the initial circuit of the state, but to return to previous locations with sufficient capability to microfilm new documents at a rate equal to their creation.

Records Preservation and Management within Virginia Counties and Cities

Locally, records management efforts are not meeting the challenge. Very few counties or cities have designated a records manager or otherwise established a formal program in records management or archival administration. Consequently, the administrative office heads continue to have principal responsibility for records creation, maintenance, control and access. Further, there may be inadequate support even resistance from local parties such as the Board of Supervisors, bar association or historical society whose relation with the office can be most significant. Therefore, a basic weakness in the current system is that records and information matters must be negotiated through channels which by nature are political. The final decisions affecting records may be reached by those who are in no position to understand or appreciate the complexities of records well-being. The fate of records must not remain in a political environment which is more concerned with perpetuating itself than with protecting and using this distinctive information.

GUIDELINES TO MEET RECORDS NEEDS

(1) Accelerate the Security Microfilm Program

The present effort of security microfilming by the local records section of the State Library should be strengthened by whatever budget increase is necessary to microfilm the records of

those counties whose vital records remain unprotected. That added microfilm capability should be maintained in order to: (1) meet the security needs of new records as they are generated in the counties; (2) encompass other county records which warrant filming but which are not now included in the film effort; and (3) reach significant records of cities, town, school districts and other levels of local government other than counties. This should continue as the highest priority of the State's local records effort.

(2) Establish a Disaster Plan and Fund

A contingency plan should be drafted to outline a course of action in dealing with fire, explosion, riot, flood, water-damage or other threat to public records. This should clearly lay out the steps to be followed in granting or securing permission to assume emergency powers for disaster relief, and should include basic recommendations to be followed in redeeming the records, attending to their needs, and restoring them to public use. The plan should bestow direct responsibilities and powers upon the Virginia State Library to act as needed in the interest of the records. An emergency fund should be created within the State Library to remain from year to year, with interest accumulating, to be used to defray costs related to disaster relief such as staff compensation, transportation, and per diem, as well as records handling, freeze-drying, restoration and microfilming. New funding and statutory authority should be granted by the legislature as needed for this purpose.

(3) Expand Retention/Disposition Schedules to Include All Local Records

In order to encourage the preservation of records of continuing value and the elimination of those which have lived out their usefulness, all representative records series at any level of local government should be scheduled for retention and disposition. These guidelines may also suggest how long records should remain in prime office space before removal to an inactive storage area, and which records should be microfilmed and according to what priority. These schedules should be published and distributed to each local office, eventually to comprise an integral part of a local government records management manual.

(4) Strengthen Virginia State Library Consultation to Local Government

There always will be areas of records administration which should be done properly by the counties and cities themselves. In order for them to deal effectively with these matters they need a source which can offer ability, experience, and impartiality. The best agency to supply this expertise is the Virginia State Library. Its assistance can be most meaningful in areas which otherwise might be perplexing for county and city officials. State Library consultation could include:

- microfilm feasibility studies
- systems analysis and design
- computer/word processing applications
- files management
- records inventory, description, and appraisal finding aids
- indexing
- forms analysis, design and management
- control of reports and directives
- processing of records for filming, restoration and research.

Funding should permit consultation at the State Library at a new level of intensity. Remembering that this aid would help local officials to help themselves, the impact of this effort would pay dividends in geometric proportion to the initial investment. This fact adds to the justification for expanding State advice and assistance to local government.

(5) Promulgate Standards and Procedures Regarding Local Government Records

Under the Public Records Act, the Virginia State Library is authorized to issue standards and regulations concerning public records. This has been very effectively done already in certain aspects of records-keeping, such as microfilming. Additional records matters need to be covered, however, and these may include:

- (A) standards for the procedural micro-recording of any type of local government record.

Since creation of records on microfilm is becoming one of the primary means of data generation for all counties and cities, it is imperative that this be done properly. Standards will furnish information, direction and assistance, and will enhance the quality of micro-recording throughout local government.

- (B) Guidelines for recording plats.

Due to their nature as real property records, plats are among the most frequently used of all public documents. For this reason, as well as their size, they generally are deteriorating faster than any other record. Standards for their recording and maintenance could address:

- limiting the size of the document;
- the requirement that the scale be entered on each instrument;

- suggestions for the filming, filing and use of plats.

(C) Restoration Standards

Certain preservation techniques do not actually preserve the record. It is important to ascertain what constitutes satisfactory restoration of original documents, which records merit restoration, and what process (deacidification, lamination, or encapsulation, for example) is appropriate in each case.

(6) Inspect and Report on Local Records Environments

In many instances deficiencies or problems in local records-keeping are not generally known, perhaps not known at all. There should be provision for routine inspection of any records situation which is suspected to be deficient or not known to be adequate. In the case of any office or records area housing permanently valuable information which has not been microfilmed, inspection should be mandatory. The findings of such inspections should be made available to parties who should know of the deficiencies and who can contribute to corrective action.

(7) Establish Records Storage Facilities

Security Deposit of Tapes and Film

A security vault for storage of tapes and film can be of paramount importance in that more data of lasting value can be housed in this area than in any other type of vault storage. This is due to the importance of the information on the media as well as the amount of data thereon. Because of the significance of film/tape storage it is crucial that a facility be employed which can offer:

- storage of film and tape exclusively
- monitored control of temperature and humidity
- control, access and security
- sufficient room for expansion of security holdings.

Permanent Storage of Archival Materials

The retention of records of long-term value which are not actively used, can cause problems if retained indefinitely in their office of origin. The public official, pressured by current business, may have difficulty maintaining and serving the older records especially considering their special needs of arrangement, filing, restoration and handling. The presence of long-term inactive records may constitute an obstacle to the management and use of cur-

rent records, may encroach upon office staff, floor space, and record equipment and supplies. The solution is the systematic removal of archival records to appropriate storage outside the original office. The optimum storage location for the placement of records is the State Library whose facilities were custom-designed to accommodate this type of documentation, and whose staff is professionally trained and equipped to arrange, describe, index, service, and protect these records, thereby meeting their unique needs. Toward the goal of the best possible environment and care for older records of permanent value, all documentation prior to 1904 (Constitutions of 1902) should be declared archival and scheduled for transfer to the State Library.

Housing of Non-Current Records of Temporary Value

Local government offices generally house records, often as much as eighty per cent of their holdings, which are not needed for everyday operations. If these records remain in prime office space they constitute a serious hindrance to current operations. If relegated to storage elsewhere, they often become inaccessible and in disarray not only posing a problem to research but one of safety as well since marginal storage environments may easily be a fire hazard. It is important that such records be evaluated for continuing reference needs, wherever present, and that the information of continued importance but infrequent use be transferred out of prime office space to secure, accessible, inactive storage elsewhere.

It is possible that available space in state facilities in various Virginia localities could be used, at least initially, for this purpose. This inactive storage may be located in each county or in regional site serving several counties or in a Richmond location under the aegis of the State Library. The first and last of these options are recommended. Each county or city, no matter how small, should have a suitable area designated for inactive records storage. The "records center" should be created with the guidance of the State Library and once established can serve as an important "safety valve" for local government, allowing surplus records to be routinely removed from the offices per se and thereby realizing as much as eighty per cent savings over what it would cost to retain them in prime office space. Further, there should be a state records center to serve state agencies as well as local government.

(8) Encourage the Full Use of Local Records

If the full value of Virginia's documentary heritage is to be realized, local records must be readily available for research. In a state where so many of the counties were formed in the 1700's, it is no small undertaking to insure that all the archival material is arranged, described, indexed, restored as needed, secure and researchable. Such archival activity must be carried out at a high level of expertise, in what always proves to be an expensive and time-consuming process. Few localities may be willing to

fund an archival program for their county or city at a level of effectiveness warranted by the value of the records. The key to solving the problem is the involvement of the State Library. Wherever the local government initiates a program to seek to manage its archival heritage, it should consider the total spectrum of records administration and consult with the State Library to insure that plans are in conformity with the provisions of the Public Records Act. Wherever a county or city can not, or will not, meet its records responsibilities the State Library should provide the staff and facilities to assume responsibility for those records. The unique and valuable role of the State Library in this regard must be recognized both by local government offices and by the legislature. The cooperation of local government officials is essential if there is to be progress in managing and protecting the records. Financial support by the General Assembly is also required and should be increased both to allow additional aid to local government by the State Library and to facilitate use of local records already in the custody of the Library. An example of a major increase in appropriation which is needed is funding to allow duplication of local records microfilm deposited for security in the State Library. This can free for research the contents of hundreds of thousands of rolls of microfilm, opening in a single location a data source on local government to an extent never before equalled in Virginia history.

(9) Adjust the Code to Permit Improvements in Records-Keeping

There are many changes in the statutes which will ease the duties of public officials charged with records responsibilities. Examples could include the:

- (a) deletion from the Code provisions which are inappropriate regarding records retention.

Upon close examination, many such examples may be evident.

- (b) Elimination of marginal notations

The practice of indicating satisfaction of Deeds of Trust by a notation in the margin of the volume has been altered. Now the local official has the option of whether to allow this practice. However, marginal notation should be discontinued entirely. Both the recording of mortgage indebtedness and the satisfaction of that mortgage are sufficiently important as to justify the security microfilming of both phases of the process. For microfilming to cover procedurally, the satisfaction of mortgage, this must not be handled in the margin but must be entered, indexed and filmed as a separate step in the overall process. To attempt this in any other way

is to compromise the effectiveness of the recording, and the security microfilming thereof. Consequently the cessation of marginal notations should be mandated.

(c) Revision of Uniform Commercial Code Requirements

Financing statements under the Uniform Commercial Code (Exclusion of Real Property Recording from Uniform Commercial Code Procedures) appear to have been intended for personal property matters only. However, real property matters are sometimes entered by this procedure (presumably to avoid a recording fee for a Deed of Trust). An amendment to the statutes may be in order, stipulating that no real property matters be entered without Uniform Commercial Code statements.

(d) Indexing of Renewed Financing Statements

Apparently some offices, when recording a renewal of a financing statement, do not enter the renewal in the index. To facilitate research and uniformity, the renewals, by law, should be indexed.

(10) Maintain Local Government Records Solely in Public Hands

Local government records should remain in public custody, either in the office of origin or the State Library. Relocation of county or city records to local public libraries, historical societies, colleges or universities, or other quasi-governmental agencies is inadvisable. Further, the current trend of allowing private data processing companies to process, control, distribute, even sell public information could lead to serious ramifications since public information and the control thereof, is in private hands. This practice should not be allowed to continue.

(11) Initiate Virginia State Library Training for Local Officials

In order to share professional acumen in archival administration and records management, seminars should be sponsored by the State Library to inculcate effective techniques in such areas as files management, forms control, and micrographics. To encourage maximum participation by local government officials, per diem should be paid to attendees at all training sessions.

(12) Continue the Study of Interrelationships of State and Local Government Agencies for Information and Management Requirements

The impact of state agency information requirements on local

Government is pervasive but the exact extent is not known. An in-depth study should be carried out to determine what information is required of local government, whether it is a duplication of other data requested, if it is necessary, and obtained in the most efficient manner. Because this is a complex matter, an extended time frame and special expertise will be essential.

CONCLUSION

It should be reaffirmed that the Commonwealth of Virginia has some of the finest local government records in the United States. This documentation is significant to all Americans because of Virginia's contribution to our great nation. Within Virginia, the records of each county or city are important to all Virginians everywhere because they comprise a major source revealing the overall history of the Commonwealth--the local government records may be without peer in reflecting the story of the people of Virginia.

The opportunity to preserve and manage the local records of Virginia--old and new--is unprecedented. Due to technological advancements contemporary Virginians are able as never before to protect this documentary heritage. Remembering Mr. Jefferson's challenge that "it is the duty of every good citizen to use all the opportunities which occur to him, for preserving documents relating to the history of our country,"* we should work quickly and diligently to preserve and manage the distinctive data of Virginia's counties and cities.

Julian L. Mims
Data Management
Columbia, South Carolina

*Thomas Jefferson to Hugh Taylor, October 4, 1823

During the survey of records-keeping procedures in nine localities, research was undertaken to determine the impact of growth and demand of services on local governments. The findings are related in the accompanying chart.

NOTES TO CHART

1. 1980 population figures are preliminary figures provided by the Bureau of the Census to county planning officers.
2. Unofficial audit figures.
3. Does not include school board employees.
4. Does not include figures for hunting and fishing licenses sold or bear and deer damage stamps sold. It does include a notary commissions category (1,294).
5. Does not include figures for marriage licenses issued, hunting and fishing licenses sold, bear and deer damage stamps sold, or financing statements filed.

	ALBEMARLE (1744)	CHESTERFIELD (1749)	DINWIDDIE (1752)	FAIRFAX (1742)	FLUVANNA (1777)	GREENE (1838)	HENRICO (1634)	PRINCE WILLIAM (1730)	VIRGINIA BEACH (1963)	AVERAGE INCREASE
POPULATION¹										
1980	54,355	141,140	22,285	595,476	10,184	7,547	174,094	144,447	260,690	35.5%
1970	37,780	76,855	25,046	455,021	7,621	5,248	154,364	111,102	172,106	
Rate of Increase	43.9%	83.6%	(11.0%)	30.8%	33.6%	43.8%	12.8%	30.0%	51.5%	
RECORDING										
Deeds, Real Property Records etc.										
1978	5,645	24,361	1,770	97,291	1,596	1,343	21,948	30,365	36,214	125.1%
1968	3,315	10,400	1,500	39,452	702	531	9,849	9,724	15,005	
Rate of Increase	70.3%	134.2%	18%	146.6%	127.4%	152.9%	122.9%	212.3%	141.4%	
Court Cases										
1978	945	2,234	246	9,349	158	159	3,263	2,756	7,212	135.3%
1968	470	1,515	229	4,681	39	40	1,817	1,067	3,262	
Rate of Increase	101.1%	47.5%	7.4%	99.7%	305.1%	297.5%	79.6%	158.3%	121.1%	
TOTAL RECEIPTS										
1978	1,171,166	3,120,137	345,527	21,275,000 ²	203,774	323,246	3,359,713	4,858,260 ²	7,324,929	260.5%
1968	832,693	813,220	124,862	11,758,932	105,202	35,006	810,550	1,850,986	1,564,962	
Rate of Increase	41.1%	283.7%	176.7%	80.9%	93.7%	823.4%	314.5%	162.5%	368.1%	
NO. OF EMPLOYEES³										
1978		(FY 78) 1,089	122	6,657	300	(FY 78) 51	(FY 78) 2,322	(FY 78) 1,115.25	(CY 78) 3,149	96.0%
1968		(FY 74) 640	91	2,030	N/I	(FY 70) 23	(FY 68) 786	(FY 73) 659	(CY 77) 2,615	
Rate of Increase		70.2%	34.1%	227.9%		54.9%	195.4%	69.2%	20.4%	
TOTAL RECORDING										
1978	11,046	28,408	3,026	126,974 ⁴	3,571	3,044	28,604	33,357 ⁵	58,417	64.4%
1968	8,926	13,706	5,489	55,587	3,544	2,533	14,235	11,583	37,670	
Rate of Increase	23.8%	107.3%	(44.9%)	128.4%	.76%	20.2%	100.9%	187.9%	55.1%	

