



WEST VIRGINIA SECRETARY OF STATE

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ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Records Management And Preservation
Board

RULE TYPE: Legislative

TITLE-SERIES: 100-01

RULE NAME: COUNTY RECORDS MANAGEMENT
AND PRESERVATION GRANT
PROGRAM

CITE AUTHORITY: W. Va. Code §5A-8-15

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jane Charnock -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 100
LEGISLATIVE RULE
RECORDS MANAGEMENT AND PRESERVATION BOARD**

**SERIES 1
COUNTY RECORDS MANAGEMENT AND PRESERVATION GRANT PROGRAM**

§100-1-1. General.

1.1. Scope. -- This legislative rule establishes general guidelines for a county records management and preservation grants program administered by the Archives and History section of the ~~Division of Culture and History~~ Department of Tourism for the Records Management and Preservation Board.

1.2. Authority. -- W. Va. Code §5A-8-15.

1.3. Filing Date. -- ~~May 8, 2002.~~

1.4. Effective Date. -- ~~July 1, 2002.~~

1.5. Sunset Date. This rule shall terminate and have no further force or effect on August 1, 2032.

§100-1-2. Definitions.

2.1. "Archival quality" means a quality of reproduction providing permanent, durable, and nondestructive storage or copying medium for records consistent with established standards specified by state and national agencies and organizations responsible for establishing such standards, such as the Association for Information and Image Management, the American National Standards Institute, the National Bureau of Standards, the National Archives and Records Administration, and others as applicable to the project submitted for funding.

2.2. "Archival record" means all non-current records of continuing and enduring value useful to the citizens of the state and necessary to the administrative functions of counties and municipalities in the conduct of services and activities mandated by law. In appraisal of public records deemed archival, the terms "administrative," "fiscal," "historical," and "legal" shall be defined as:

2.2.a. "Administrative value" means the records have continuing utility in the operation of an agency of a county.

2.2.b. "Fiscal value" means the records are needed to document and verify financial authorizations, obligations and transactions.

2.2.c. "Historical value" means the records contain information, regardless of age, which provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.

2.2.d. "Legal value" means the records document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.

2.3. "Board" means the Records Management and Preservation Board.

2.4. "Custodian" means the county official in charge of an office having public records.

2.5. "Director" means the Director of the Archives and History Section.

2.6. "Preservation" means maintaining archival records in their original form by stabilizing them chemically or strengthening them physically to ensure their survival as long as possible in their original form. It also means the reformatting of written, printed, electronic or visual archival originals to extend the life of the information.

2.7. "Public record" means recorded information that documents a transaction or activity by a county official or office. Regardless of physical form or characteristic, the recorded information is a public record if it is produced, collected, received or retained in pursuance of law or in connection with the transaction of public business. The medium on which the information is recorded may be, but is not limited to, paper, film, magnetic, optical or solid state devices which can store electronic signals, tapes, Mylar, linen, silk or vellum. The general types of records may be, but are not limited to, books, papers, letters, documents, printouts, photographs, films, tapes, microfiche, microfilm, photostats, sound recordings, maps, drawings, and any representations held in machine-readable form.

2.8. "Records Management" means the efficient and effective management and control of the creation, maintenance, use, and disposal of records, files and forms.

§100-1-3. County Records Management Assessment Program.

3.1. The Records Management and Preservation Board (Board) is aware of the serious need of county offices throughout the state to manage a vast accumulation of public records in several formats for administrative and public access. The Board ~~seeks to compile~~ may request from counties information and supporting data on the volume, condition, storage, and preservation storage needs of county records. The information gathered will enable the Board to establish a uniform records management program, including but not limited to, preservation, reformatting, and enhanced public access, utilizing the most efficient and cost-effective applications and applying best practices and standards available. The data will also provide the Board with information necessary to develop a competitive grants program to support county records projects implementing standards and priorities established by the Board.

3.2. ~~To qualify and participate in this initiative~~ When a survey has been requested by the Board, the county will complete and return a general survey form for all offices receiving public funds (local, county, state and federal), providing information on the ~~office staffing~~ office staffing, quantity of space allocated for current and inactive records, date span and volume, types of records, and ~~etc.~~ so forth.

3.3. The Board, upon completion of the general mail-in survey form, will sponsor and fund complete county records assessment surveys. These on-site surveys will be conducted using designs and guidelines developed from similar practices in other states and issued by the Board. These surveys will collect more specific data necessary to identify records management and preservation conditions and needs, which will serve as the basis for the Board's development of uniform records management procedures for all county government records.

§100-1-4. County Records Management Program.

4.1. The Board, using data compiled from the surveys and best practices from other applicable states' records management programs, will compile and publish a county records management manual. This manual will issue general records retention and disposition schedules for county offices; provide information on records storage requirements both on and off-site; filing systems; reformatting and electronic records guidelines; record destruction procedures; disaster preparedness procedures; and other record needs as identified by the survey data.

§100-1-5. County Records Management and Preservation Grants Program.

5.1. ~~Based on record needs identified by the survey data, the~~ The Board will identify priorities for records management and preservation of original historical public records and/or historical information contained on these records, and establish a competitive grants program for county projects addressing these priorities. Eligible program areas include, but are not limited to:

5.1.a. Implementation of an approved records schedule;

5.1.b. Processing and indexing projects;

5.1.c. Storage of records; and

5.1.d. Reformatting of records.

5.2. Grant applications will be put in priority order as established by the Board. Priority will be given to applications utilizing nationally recognized standards for records management principles, procedures, and technologies, and archival quality preservation practices, processes and technologies as issued by the Association of Records Managers and Administrators (ARMA), National Association of Government Archivist and Records Administrators (NAGARA), International City/County Management Association (ICMA), and others.

5.3. Each funding period will be for one ~~year to run concurrent with state fiscal year~~ year, beginning on October 1 and ending on September 30.

5.4. All county offices, having participated in the initial surveys, will be eligible to apply for funds but will not automatically receive funds. Grants will be evaluated and rated in accordance with program priorities established and published by the Board (section 5.2). The Board will consider grant applications and ratings and approve, amend or reject for full or partial funding.

5.5 Availability of the project application form and selection criteria will be announced by the Board in ~~September~~ March of each calendar year, sent to the Clerk of the County Commission, to the West Virginia Association of Counties and its member associations, and made accessible on the Archives and History web page or upon request to the Director of Archives and History, 1900 Kanawha Boulevard, East, Charleston, WV 25305-0300. Hard copies of the completed application (one original and two copies) must be postmarked no later than the 1st day of ~~November~~ May of each calendar year and sent to the Board care of the above address for Archives and History.

5.6. The Board will notify successful applicants on or before the first day of ~~March~~ September of the

calendar year following the ~~November~~ May submission.

5.7. Successful applicants must:

5.7.a. ~~enter~~ Enter into a binding contract to expend all grant funds awarded in accordance with state purchasing laws and rules;

5.7. b. ~~meet~~ Meet standard financial management systems and general accounting standards for audit of government entities and organizations;

5.7.c. ~~agree~~ Agree to participate in pre-grant meetings and on-site visits as requested by the Board or its staff; and

5.7.d. Will spend the awarded funding by the end of project year (September 30), unless an extension is requested in writing and approved; and

5.7.e. ~~provide~~ Provide a report, by way of example, detailing project accomplishments, successes and failures, products, etc., and financial reports within ninety (90) days of the completion of the project or ~~30~~ September 30 of the next fiscal year, whichever is earlier, to the Board care of the Director of Archives and History, 1900 Kanawha Boulevard, East, Charleston, WV 25305-0300.

5.8. The Board will notify unsuccessful applicants in writing within fifteen (15) days of the Board=s meeting to review, evaluate, and award grants on the applications submitted.

5.9. Within thirty (30) days of the request for reconsideration, the Board will issue its final administrative determination on the grant request. The Director will notify the appellant of the Board's decision in writing.