



PROCEDURAL LEAFLET

April 2003

PROCEDURES FOR IMPLEMENTING A LOCAL GOVERNMENT RECORDS DEPOSIT AGREEMENT

Providing adequate storage conditions for permanent or long-term records is a problem every local government must face. Counties and municipalities create or maintain many records (such as council or commission minutes, property and taxation records, audit reports, newspapers, wills, marriages, and other probate records) that document the history and genealogy of their locality from the time of its foundation. The Local Government Records Commission (LGRC) has scheduled any record created prior to 1900 for permanent retention.

Unfortunately, Alabama counties and municipalities are often not equipped to provide optimum storage conditions for old and fragile records. Even if such records are well-kept and accessible, environmental conditions in courthouses and city halls may not be conducive to their preservation. A local government may lack the financial resources to renovate unsuitable records storage areas or build new ones. In such cases, the local government may select a staffed, off-site repository with a better environment for records preservation. In compliance with Attorney General's Opinion 91-00249, such an arrangement must be codified in the form of a Local Government Records Deposit Agreement (sample attached; see pp. 7-8) before the records are transferred.

The deposit agreement establishes a contract between a local government agency and its chosen repository, with oversight provided by the Government Records Division of the Alabama Department of Archives and History (ADAH), which serves as the staff of the LGRC.

1. When *Not* to Use the Records Deposit Agreement

1.1. Storing Records in Off-site Space Owned or Leased by the Local Government. County or municipal agencies frequently move surplus records into abandoned jails, schools, or other unstaffed buildings owned by the local government. Use of a Local Government Records Deposit Agreement is not required on such occasions. If records are stored in an unstaffed, non-archival facility leased from a private owner, a deposit agreement is likewise unnecessary, because the lessor has no contractual responsibility to provide optimum storage conditions or public access to the records. It should be noted, however, that security, environmental, and access conditions for records "warehoused" in this way are often far worse than in the originating office. Local governments should avoid consigning permanent or

historically valuable records to this kind of storage, and—if it is necessary to do so temporarily—should continue efforts to find a suitable repository.

1.2. Storing Short-Term Records in an Archival Repository. If records have a retention period of less than 20 years, transferring them to an archival repository is an ineffective use of the optimum storage space that it provides. Such records will normally survive under “warehouse” conditions for as long as their retention periods legally require. Therefore, they should not be included in a records deposit agreement unless the chosen repository is able to offer records disposition services.

2. Evaluating and Selecting Repositories for Permanent Records

2.1. Finding Suitable Repositories. Any repository chosen to store historical records should offer significantly better conditions for records preservation (security, environmental control) and public access than the local government has available in its own storage space. To the highest degree possible, the repository should satisfy the records storage guidelines endorsed by the Local Government Records Commission and contained in the checklist attached to this leaflet (pp. 9-12). Several kinds of institutions may be considered as repositories:

- **Public libraries/university libraries or archives.** Many county or municipal libraries already hold private historical or genealogical materials. If space permits, they may be willing to add local government records to their historical collections. Public libraries usually have climate-controlled storage, proper shelving, and staff accustomed to providing reference assistance to the public. The same is true for libraries or—better still—archives of nearby colleges or universities, although they may be less eager to accept local government materials.
- **Local historical or genealogical societies.** Among those most concerned with preserving a community’s historical records are its local historians and genealogists. Many are dedicated researchers who (especially in counties that have conducted loose records preparation projects) may already have experience in handling fragile documents and volumes. They are also often willing to volunteer their time. If the society has a facility that meets LGRC guidelines, clearly understands the deposit agreement’s conditions, and can staff the facility during normal business hours, its members will usually be zealous guardians of local records. Such an arrangement can eventually lead to the development of a full-scale county or municipal archives.
- **Local archives.** For local governments that have them, perhaps the best storage for historical agency records is provided by an archives that is part of the county or municipality itself. The archives of a local university might be another possibility. So long as the creating agency is not transferring legal custody of its records to the archives, the use of a Local Government Records Deposit Agreement is appropriate. Conversely, if the archives is assuming legal custody by formally accessioning the records, their transfer is normally documented on a transmittal form.

- **Commercial records storage facilities.** Employing a private storage vendor may be a viable option for temporary public records but becomes more problematic for records of historical value. Commercial vendors base their profit margin on storing a large volume of short-term material. Often, they offer only a basic “records center” environment (without full temperature and humidity control) suitable only for records with brief retention periods. Their “archival vault”—if any—may be designed for high-density record formats such as microforms or magnetic tape, rather than old or fragile paper documents. Because commercial storage companies most often deal with business clients, they are not set up to provide public access and may not address preservation and access issues involved in storing public records. Many charge their clients for retrieving and returning records on demand, in addition to a basic storage charge. Local governments may be willing to absorb a charge to their employees, but the deposit agreement should specify that citizens will not be charged for access to a public record.

2.2. Evaluating Candidate Repositories. ADAH publications, and other available resources, list a number of desirable features for historical records repositories: location near the seat of government; fire-resistant construction and fire suppression systems; secure and monitored access; and controlled humidity and temperature. (For more information, see the procedural leaflet “*Records Storage Centers: Construction, Environment, Containers, Shelving and Security*,” available at : www.archives.alabama.gov/officials/reccenter.pdf.) To assist agencies in evaluating candidate repositories, this leaflet includes a sample evaluation form (pp. 9-12). Local governments should recognize, however, that no readily available repository may meet optimum standards for historical records preservation. The Local Government Records Deposit Agreement does not demand perfection. All that is required is that the repository should attempt to satisfy LGRC guidelines “to the highest possible degree.”

3. Authorizing and Preparing the Agreement

Normally, a local government documents its decision to negotiate a records deposit agreement through council or commission action. This leaflet includes a model resolution (pp. 5-6) for use by local governments. A sample agreement is found on pp. 7-8. Any deposit agreement concluded between a county or municipality and an off-site repository should cover several basic issues:

3.1. Custody of Records. Generally, only *physical custody* of historical public records is transferred to the repository, as local government officials must retain legal custody of records they create. An exception may be made (as noted on p. 2) for records transferred to an officially designated local government archives that formally accessions them.

3.2. Responsibilities of the Local Government. The local government agency provides the repository with an itemized list of all the records transferred, keeping a copy for its own information and sending another copy to ADAH. Agency staff should inspect the repository at least annually, checking its itemized list against the records actually on the repository’s shelves. *More frequent inspections are strongly recommended.* The agency should be fully

satisfied that the repository is properly observing the agreement's terms and complying with LGRC records storage guidelines. Results of agency or LGRC inspections should be documented and reviewed before the deposit agreement is renewed (see item 4 below).

3.3. Responsibilities of the Repository. The repository must allow public access to the records as specified by the transferring agency, usually during the same hours that government offices are open. It may not charge the public for simply viewing records, but may impose a reasonable fee for duplication services. The repository may take no other action affecting the records (such as altering or removing them) without written permission from the head of the transferring agency. Besides adhering to the LGRC's basic storage guidelines, the repository must furnish fire protection, insurance, and surety bonds to protect the records against loss or damage. It must also cooperate in all inspections of its premises by agency or ADAH staff.

3.4. Responsibilities of the LGRC and ADAH Government Records Division. On behalf of the LGRC, Government Records Division staff members review draft deposit agreements and may inspect proposed repositories before any records are transferred. Thereafter, the division maintains copies of all agreements currently in force.

4. Renewing the Agreement

Should the local government wish to renew its agreement beyond the initial two-year period, ADAH staff and agency staff may again inspect the repository and the agency's records stored there. If the results are satisfactory, the local government and repository may renew their contract by filing a new deposit agreement with the LGRC. Whenever possible, however, the local government should invest the financial and staff resources necessary for an adequate records storage facility under its own jurisdiction.

Government Records Division archivists can assist county and municipal officials in evaluating candidate repositories, review draft agreements, or supply copies of relevant ADAH publications. For assistance, please contact:

Alabama Department of Archives and History
Government Records Division
P.O. Box 300100, Montgomery, AL 36130-0100
Telephone: (334)242-4452; FAX: (334)353-4321
E-mail: records@archives.alabama.gov
ADAH web site: <http://www.archives.alabama.gov>

**Draft Resolution by a County or Municipal Governing Body to
Authorize a Local Government Records Deposit Agreement**

WHEREAS, the Local Government Records Commission and the Alabama Department of Archives and History have a legal responsibility to oversee the condition and disposition of local government records, as outlined in sections 41-13-4, 41-13-5, and 41-13-23, *Code of Alabama* 1975; and

WHEREAS, the Commission has approved the Local Government Records Deposit Agreement as a means by which local government agencies may enter into agreements with other governmental or non-governmental agencies (such as local libraries, archives, historical societies, or commercial vendors) to provide improved storage, preservation, and access to their historical records; and

WHEREAS, the Attorney General’s Office of the State of Alabama has authorized the use of such agreements in Attorney General’s Opinion 91-00249; and

WHEREAS, the Commission recognizes that a local government has the option of contracting with another corporate entity in accordance with state laws respecting contracts between agencies of the government and private suppliers, including, but not limited to, the provisions of the bid law (41-16-50, *et. seq.*, *Code of Alabama* 1975); and

WHEREAS, the _____ (county/municipal agency) recognizes that the establishment of a Local Government Records Deposit Agreement with a qualified repository would be expedient to improved storage, preservation, and access to its historical records, until such time as records storage conditions in the agency may be improved; now

BE IT RESOLVED THAT THE (GOVERNING BODY OF THE COUNTY/MUNICIPALITY) approves the establishment of a Local Government Records Deposit Agreement with _____ (name of records repository) _____ for improved storage, preservation, and access to its historical records. Terms and conditions of the records’ transfer and storage will be set forth separately in the agreement and will satisfy the records storage guidelines of the Local Government Records Commission and Alabama Department of Archives and History to the highest possible degree.

Chairman
(County/Municipal Governing Body)

Date

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LOCAL GOVERNMENT RECORDS DEPOSIT AGREEMENT

(Sample)

WHEREAS, the _____ of _____
(official's title) (locality)
has the responsibility of creating and/or maintaining certain governmental records to document the
conduct of official business; and

WHEREAS, government records accumulate over time and pose storage, preservation, and access
problems because of their quantity and fragility; and

WHEREAS, the records repository named below has the facilities and professional staff to provide
proper care for and access to this valuable public resource; and

WHEREAS, in accordance with _____ (city council/county commission resolution #) _____, the Local
Government Records Commission may authorize the deposit of certain government records in an
off-site storage facility; now, therefore,

The _____ agrees to transfer and deposit
(official's title)
certain public records from the _____
(local government office)
to _____ for the purpose of storing the
(records repository)
records and providing proper maintenance and access to them.

The _____ further agrees to:
(official's title)

1. Provide an itemized list of records to the repository that includes the records title, records disposition authority (RDA) item number, date span, volume, and a box container listing, if appropriate.
2. Conduct periodic inspections of the records repository to ensure that the records are secured, maintained, and accessible in accordance with the deposit agreement and the guidelines issued by the Local Government Records Commission and the Alabama Department of Archives and History.
3. Record the results of the periodic repository inspections and make them available to Local Government Records Commission representatives upon request.

The _____ agrees to provide:
(records repository)

1. Access to stored records to the general public. Patrons may view the records during normal hours of operation. The records repository will not charge for the viewing of the records, but may charge for records duplication services.
2. Proper administrative control of the records. The records will remain in the records repository for the duration of the agreement. They cannot be removed except by the transferring official or his/her designee. They cannot be clipped, unbound, mutilated, or altered for any purpose.
3. Adequate fire protection, physical security, and environmental controls appropriate for records of long-term value.

This agreement recognizes that legal title to the records remains with the transferring government office; only physical custody will be transferred to the records repository.

This agreement authorizes staff of the Alabama Department of Archives and History to inspect the records and the records repository on behalf of the Local Government Records Commission.

The agreement will extend for a period of two (2) years from the date of signatures. It may be renewed upon the mutual consent of the parties for the same period of time thereafter by filing another deposit agreement with the Local Government Records Commission. It may also be terminated by the public official if the records repository or its services are unsatisfactory or below accepted standards of the Local Government Records Commission. Upon termination of this agreement by either party, the repository agrees to return all records, in an orderly and proper manner, to the responsible public official.

Financial or other remuneration relating to the storage of said public records shall be arranged separately from this agreement and upon the mutual consent of the parties.

(signature of transferring public official)

(signature of records repository representative)

(title)

(title)

(date)

(date)

(signature of chairman, Local Government Records Commission)

(date)

**CHECKLIST FOR THE INSPECTION OF
LOCAL GOVERNMENT RECORDS REPOSITORIES**

Procedures for implementing a Local Government Records Deposit Agreement require records custodians to evaluate candidate repositories, and conduct subsequent inspections of chosen repositories, to ensure that deposited records are secured, maintained, and accessible in accordance with the deposit agreement. Issues of concern include physical security of the building and the records, fire safety, collection management, an appropriate environment, and disaster preparedness. The following checklist is provided to assist agency staff and Local Government Records Commission representatives in the inspection of repositories.

Storage Facility:

Institution/Building Name _____

Address _____

Contact Person/Telephone Number _____

Inspected by (Name) _____ Job Title _____

Institution _____ Date of Inspection _____

Storage Building:

1. Is the building constructed of: brick? wood? concrete block ?

2. Is the minimum live floor load of the records storage area at least 300 lbs. per square foot?
 yes no If no, what is the live load? _____

3. Is the minimum weight load per storage shelf 500 pounds? yes no
If no, what is the weight load? _____

4. Are the shelving units: metal? wood?
If wood, have they been coated with three layers of polyurethane to prevent the migration of acids to the records? yes no

Building Security:

5. Does the building have an intrusion alarm system? yes no
If no, how is the building secured? _____

_____ If yes, is the system inspected annually? yes no

Is the system in working order? yes no If no, explain: _____

6. Is the records storage area secured when no staff are in attendance? yes no
Locked after hours? yes no If no, explain: _____

7. Is the records storage area separate from areas where the public can research the records?
 yes no
 Can visitors enter and use the records storage area without being observed by staff?
 yes no
 Will visitors be required to “sign in” to use the records room? yes no Will they be allowed to take personal possessions (coats, bags, briefcases) or food into records storage or research areas? yes no
 Will staff restrict or supervise copying of fragile records? yes no
8. Can staff provide public access to the records during normal business hours? yes no
 If no, how will public access be provided? _____

9. Are non-record items stored in the records storage area? yes no If yes, describe them: _____
 Will these items be removed from the records storage area? yes no
 Explain: _____

Fire Safety:

10. Are there fire alarms in the records storage area? yes no Are they linked to the fire department? yes no
11. Are alarm pulls and bells in working order? yes no
 If no, explain: _____
 Required corrective action: _____

 Action taken & date: _____
12. Is the fire alarm panel functioning? yes no Are light bulbs in working order?
 yes no If not, explain: _____

13. Is there a sprinkler system in the records storage area? yes no
 If there is a sprinkler system, is it inspected annually? yes no
 Date of last inspection: _____
 Is the sprinkler system in working order? yes no
 If no, explain: _____
14. Are there smoke detectors in the storage area? yes no
 Date of last inspection: _____
 Are there smoke detectors in adjacent areas? yes no
 Date of last inspection: _____
15. Does the fire marshal or fire department inspect the building annually? yes no
 Date of last inspection: _____

16. Is an evacuation route for both fire and severe weather posted throughout the building?
 yes no

Environmental Systems (heating, ventilation, and air-conditioning):

Note: For more information, see the procedural leaflet “Records Storage Centers: Construction, Environment, Containers, Shelving and Security,” available at (www.archives.alabama.gov/officials/reccenter.pdf).

17. Are heating and air-conditioning systems capable of maintaining the following environmental conditions in record storage areas:

Temperatures between 65 - 75 degrees, with a variation of no more than two degrees?

yes no If no, explain:

Relative humidity between 45 - 55%, with a variation of no more than 5%? yes no

If no, explain:

Corrective actions taken:

Date:

18. Is the building equipped with humidity control? yes no

If no, are humidifiers/dehumidifiers available for use? yes no

19. Are temperature/relative humidity indicators in use? (These are instruments with two dials that only show current conditions) yes no

20. Are devices in use which record (on a chart) temperature and relative humidity for 24 hours a day, seven days a week? yes no

Collections Management:

Note: Some of these questions apply only to facilities in which agency records are already stored.

21. Is the storage area clean (dust- and debris-free)? yes no

22. Is there evidence of damage to records from mold, insects, and/or rodents? yes no

Corrective actions taken:

Date:

23. Is there a pest management program in place? (monitoring for insects and routine spraying of insecticides in selected problem areas) yes no

24. Is food and drink (which can lead to pest infestation) allowed in the records storage area?

yes no

Practice halted (date):

