

VIRGINIA CIRCUIT COURT RECORDS PRESERVATION PROGRAM

A STATEWIDE PROGRAM OF ASSISTANCE AND GRANTS FOR
VIRGINIA'S CIRCUIT COURT CLERKS' OFFICES

PROGRAM DESCRIPTION AND GRANT GUIDELINES



LIBRARY OF VIRGINIA

Archival and Records Management Services
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Richmond, Virginia 23219-8000
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April 2011

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HISTORY OF THE PROGRAM

During 1989 and 1990, the Library of Virginia (LVA) and the Virginia State Historical Records Advisory Board completed forty preservation site surveys of repositories containing representative historical records collections of the commonwealth. These sites included libraries, archives, and nine circuit court clerks' offices. The funding and support for this project was provided by a \$50,000 grant from the National Historic Publications and Records Commission (NHPRC) and matching funds appropriated by Virginia's General Assembly.

The surveys focused on the facilities and collections with the goal of assessing records preservation needs. During this grant project, workshops were held on disaster preparedness and response, as well as basic preservation techniques. In addition, a video entitled *Let Us Save What Remains* was produced in 1991. This pictorial and narrative presentation describes preservation problems and methods of addressing them, and created an awareness of preservation needs affecting historical records in Virginia. A copy of the video is available at the LVA for anyone who would like to borrow it.

The findings of the surveys indicated that the greatest need for preservation efforts was in the offices of the circuit court clerks. Backed by these findings, former State Archivist Louis H. Manarin gathered support from the Virginia Court Clerks Association and key legislators for the passage of a bill that would create a court records preservation program.

During their 1990 session, the General Assembly amended the *Code of Virginia*, §17.1-275 (A.2.), which increased the circuit court recording fees for land records by three dollars, one of which was designated for preservation of the circuit court records. The legislation, as amended, specifically read: *One dollar of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by the Library of Virginia in cooperation with the circuit court clerks.* Thus was created the Virginia Circuit Court Records Preservation Program (CCRP), directed solely toward the circuit court records, those in the 121 offices then existing across the commonwealth and those that have been transferred to the Library of Virginia.

Collection of the one dollar fee on land recordings began July 1, 1990. These funds were collected for one year while the elements of the preservation program were developed by LVA staff members Lyndon Hart, Sue Woo, and Glenn Smith, under the direction of the State Archivist. In 1991, the General Assembly increased the recording fees for Fiduciary Accounts and Certificates of Satisfaction effective July 1 of that year; the program received one dollar from this fee increase. Operating funds for the CCRP are based on fees collected from the prior fiscal year. In 2001, the General

Assembly amended the program language in the Code of Virginia and increased the amount allotted to the program to one dollar and fifty cents per applicable recording.

The CCRP was implemented in September 1991 with the hiring of a grants administrator. The program was introduced to the circuit court clerks in October of that year at conferences held in Roanoke and Richmond that focused on records preservation issues such as environmental conditions, disaster planning, site inspections, alkaline paper standards, conservation treatment of paper, microfilm and optical reformatting, legalities of reformatting, and procedures for preparing a grant application. The *Let Us Save What Remains* video was shown for the first time at these conferences.

One of the first initiatives of the program was to complete surveys of the conditions and preservation needs of the records in the remaining 112 clerks' offices. The surveys followed a similar format to those conducted for the 1989–1990 NHPRC grant. The Conservation Center for Art and Historic Artifacts (CCAHA), the vendor that conducted the surveys for the original project, was awarded the \$170,000 contract. The grants administrator (now grants coordinator) and a CCAHA preservation consultant developed a pre-survey questionnaire, site survey, and database of responses. The surveys aided in determining the short- and long-term records preservation needs of each clerk's office and provided a comprehensive overview of records preservation needs across the commonwealth. Many of the first grant applications submitted addressed concerns identified in these surveys.

The initial round of applications was submitted by February 1, 1992. The first grants review board met February 21 and awarded twenty grants totaling \$318,668. To date, the CCRP has awarded nearly 1,000 grants totaling more than \$15 million.

MAJOR FUNDING INITIATIVES

The revenue generated through the program funds three ongoing initiatives that help preserve the records of the circuit courts. They include processing the records transferred to the Library of Virginia, maintaining and duplicating circuit court microfilm, and allocating grants to the clerks' offices.

Along with these initiatives, training and education in records preservation is available to clerks and their staff. This training, funded through the LVA's portion of the revenue, can take place within a one-on-one or small group format in the clerk's office, or can be undertaken on a regional or state-wide basis when issues of general interest are identified. Clerks who are interested in this type of training, or who would like more information, should contact the grants office.

PROCESSING COURT RECORDS AT THE LIBRARY OF VIRGINIA _____

There are more than 23,000 cubic feet of processed and un-processed circuit court records already in archival storage at the Library of Virginia. Staff members unfold, identify, arrange, mend, and rehouse those records with high research value. Those high-value records that have been damaged beyond usability are sent to the LVA's conservation lab for more extensive treatment. All chancery causes processed at the Library of Virginia (as well as those in the locality) are indexed. These suits are a rich source of information for researchers such as historians, genealogists, and title-searchers. The Chancery Records Index, a surname finding aid, was developed and is available on the LVA Web site. The index indicates where the records may be researched, and whether they are in their original, microfilmed, or digital format.

MICROFORM STORAGE AND MAINTENANCE _____

The Library of Virginia stores more than 235,000 microforms of circuit court records for preservation purposes. Imaging Services staff members work to ensure the quality of the circuit court security microfilm, coordinate vendor-supplied duplication, and provide replacement copies of missing documents. The creation of an electronic inventory system has allowed these staff members to expedite the continual inspection of security microfilm and to respond faster to inquiries and retrieval requests.

PRESERVATION GRANTS _____

Of specific importance to the records housed in the clerks' offices is the grant-funding portion of the program. Circuit court clerks have the opportunity to submit applications to the preservation program for funds to carry out projects that address the preservation, access, and management of their records.

There are two grant cycles each year. Applications are processed and forwarded to the Circuit Court Records Preservation Grants Review Board for evaluation. Reviewers consider the informational and historical value of the records and the overall soundness of the proposed project.

The board meets approximately one month after the submission deadline to discuss the applications and award the grants. The board is comprised of three circuit court clerks, the State Archivist or his designee, and the director of local records services. The grants coordinator sits as a non-voting, ex-officio member and facilitates the meeting. The decisions of the board are forwarded to the president of the Virginia Court Clerks' Association and the Librarian of Virginia, who announce the grant awards along with the State Archivist.

For any project requiring the procurement of goods and/or services, Commonwealth of Virginia procurement policy will apply, unless local procurement policy is more restrictive. There is an exception pertaining to the Item Conservation category; two bids are required for this type of work. Local policy notwithstanding, if the estimated cost of any project is less than \$5,000, only one quote will be required; however, no more than \$5,000 may be sole-sourced to any one vendor within a fiscal year.

PROJECTS ELIGIBLE FOR GRANT FUNDING _____

SECURITY SYSTEMS

- An early warning smoke, fire, and intrusion detection system may be procured from a reputable supplier. State and/or local procurement guidelines must be followed. This system must be connected to an office monitored 24 hours a day (typically the sheriff's department, a central 911 office, or a paid third-party monitoring firm). The bids or proposals must include the amount for any yearly maintenance and/or monitoring fee, and any applicable connection fees. These costs for the first year may be included in the grant. The locality must agree to incur the yearly costs thereafter. All submitted bids or proposals must include a diagram of the system layout.
- Camera monitoring and recording systems may be funded in order to discourage the unauthorized removal of or damage to records. This type of system must also be procured from a reputable supplier according to state and/or local procurement guidelines. The grants coordinator or a designee, with the clerk's assistance, will design a layout of the proposed system that will be included in the solicitation documents. This system includes a digital video recorder that does not require the use of video tapes. The maintenance cost for the first year may be included in the solicitation and covered by grant funds. Maintenance and repair costs after the first year are the responsibility of the clerk and/or locality.

REFORMATTING

Reformatting vital and historically significant records can be undertaken to secure the informational content of a record, to increase access to the record, and to preserve the artifactual integrity of an original document by providing a use copy and retiring the original. The reformatting of original records may include microfilming, digital imaging, and/or photocopying. Other possible reformatting grant projects include the conversion of one media to another, e.g., digital image to microfilm or vice-versa, and in some cases, microfilm to paper. Any project of this type should involve significant permanent records. For any reformatting project requiring the use of procured services, bids or proposals must be obtained from vendors whose reformatting standards are at least equal to those set by the Library of Virginia, and the bids or proposals

must be submitted as part of the application. Any vendor reformatting original paper records onto microfilm must agree to the conditions stated in the *Guidelines for Preservation Microfilming of Circuit Court Records with Grant Funds Using Contractual Services*, which will become part of the grant agreement. This document is available from the grants office.

There is a state contract in place for the digital imaging of successfully processed historical ended-chancery causes. Please contact the grants office for details on obtaining funding for this type of reformatting.

For any type of reformatting project that would require local personnel to perform quality control checks on the intermediate or final product, please refer to the subsection on page 7 entitled Grant Project Personnel.

Other types of reformatting projects that will be considered under this category are converting unsecured permanent volumes to preservation microfilm and converting back-filed analog land records for access by an electronic records system. Back-file conversion solely for access purposes would be a lower-priority project, and would be subject to 50% matching funds. All projects that reformat records from any medium to microfilm will follow the appropriate state standards and Library of Virginia guidelines, copies of which may be obtained from the grants office or the LVA Web site.

Specifications and details on the procurement of and application for any type of reformatting project can be obtained from the grants coordinator. Vendor payments can be made in stages throughout the life of a reformatting project; however any invoice submitted for payment must be accompanied by written approval of the delivered media by the Library of Virginia and/or circuit court personnel.

RECORDS PROCESSING

Records processing projects entail unfolding, identifying, arranging, rehousing, and indexing loose papers, primarily pre-1913 ended-chancery causes. These must be planned and conducted according to the standards and/or formats promulgated by the LVA. Cost estimates for this type of project should include salaries, training, supplies, and a PC for indexing, if needed. Prior to planning this type of project, the clerk must contact the grants coordinator for cost and materials estimates. Records processing projects should be designed with the eventual reformatting of the processed records in mind. As there will be local personnel involved in a project of this type, please refer to the subsection on page 7 entitled Grant Project Personnel.

Should additional indexing be required following a successful chancery processing project, funding for the indexing project may be applied for under this category. For those localities that have completed the processing of

ended-chancery causes and are able to retain the personnel who undertook that project, the processing of judgments and ended-law cases may be considered a viable project.

ITEM CONSERVATION

An item conservation project would contract the services of a professional book and paper conservator to perform conservation treatments on endangered records of major historical, artifactual, and/or informational significance. These records can be in volumes or loose papers. If the project involves volumes, then the clerk should prioritize the items (if more than one) that are in need of treatment and limit the application to no more than ten. There should be no more than 500 loose pages subject to a grant project.

Unless local procurement policy indicates otherwise, two comparable bids from reputable conservation vendors must be submitted with the application. The vendor bids must cover the exact same items and include a condition report and treatment proposal for each item or series of items with similar conditions and treatment needs. Bids more than six months old should have a statement from the vendor(s) to verify the quoted price. A list of qualified vendors is available from the grants office. If more than one volume is to be conserved, the application must include a separate sheet listing a breakdown by volume (including the date range of each volume) and vendors that compares each volume by price. An example of this is included in the model application.

Clerks considering undertaking an item conservation project should give strong consideration to having the record reformatted in such a way that the reformatted copy may be served to the public while the original record is retired from use following conservation.

MICROFILM READER/PRINTER

Microfilm reader/printers purchased through the grants program will be both 35mm and 16mm compatible, and may have the option of a microfiche reader. However, if the reader/prINTER must also be 16mm film/ANSI-type cartridge compatible, the locality will be responsible for covering the cost of the carrier upgrade. Contact the grants office for details on procurement of this equipment through the Department of General Services contract and for specifications on the most appropriate unit to meet the office's needs. Only localities with microfilm on hand or in production should apply. Any locality may purchase additional reader/printers at the price on the state contract.

Should a stand-alone microfiche reader be the subject of a grant application, please contact the grants office for details on specifications and sources, as these are not on state contract.

GENERAL PRESERVATION

This category may be used for those projects that do not readily fall under any of the above. Examples of this type of project are:

- Purchasing preservation supplies, such as UV filters and materials not related to any other project.
- Indexing projects not related to records processing.
- Conversion of loose or bound plats to plat cabinet, including purchase and installation of cabinet. Comparable bids, following state and/or local procurement policy, from appropriate and reputable vendors must accompany the grant application. The system may be either a cabinet or drawers, depending on the need of the locality. The sleeves for the plats must be inert, polyester film, such as Mylar or an equivalent. Conversion of the plats from the existing indexing system may be included.
- Shelving needed for loose papers that have been processed under the grant program may be applied for at the full purchase price, providing that the procurement follows state and/or local policy. If the request for shelving is being made as a result of daily office recording and filing, or for storing historical volumes, an application may be made to the grants program for 50% of the purchase price, with matching funds coming from local sources. Specifications for shelving may be obtained from the grants office.
- Hiring a disaster planning coordinator. This person would, under the direction of the clerk and in cooperation with a disaster planning team, coordinate development of, complete, and then implement a disaster plan for the clerk's office. If needed, an electronic copy of a disaster planning template is available from the grants office.

GRANT PROJECT PERSONNEL

Grant funds can be used to hire and compensate qualified personnel who will work with LVA staff members in carrying out preservation projects according to LVA standards and guidelines. Funds cannot be used to refund or supplement salaries of those personnel already employed by the circuit court clerk's office. It will be the clerk's responsibility to recruit, hire, supervise, and compensate (using grant funds) any local personnel involved in a grant project. Any training or additional consultation necessary to accomplish the work of the project will be provided by Library of Virginia staff members. Consideration must also be given to any funds necessary to advertise for the position, which may also be requested in the application if needed. Funding for the locality's share of Federal Insurance Contributions Act (FICA) tax

will also be included in the request for funds. If a non-records processing position will be needed longer than the initial grant cycle (two years), continued wage funding should be sought from other sources, such as the Compensation Board or the locality.

EMERGENCY GRANTS

This category of funding is for emergency or urgent situations, such as start-up costs for responding to a records-related disaster. The urgent situation can be of a local nature, and requires no declaration of emergency or disaster by any official other than the clerk. Examples of how this funding may be used could include the deposit for a disaster response company, temporary off-site record storage, or the cost of placing records into a blast freezer. The immediate need would be to stabilize the records in order to prevent further damage until a more permanent solution can be determined. In extreme cases, an emergency grant could be considered to meet a shortfall in funding when invoiced by a supplier as part of a previous grant. At its first meeting of each grant year, the grants review board considers approving a fixed amount of funding to be held in reserve for emergency or urgent use during the ensuing year.

Should such a situation arise in a clerk's office, that clerk should contact a CCRP grants staff member, who will guide the clerk in completing a "quick form" application. The application is submitted to the grants office, and then forwarded to the members of the sitting grants review board. The board then holds an electronic meeting to discuss the merits of the application.

If the emergency funding is awarded, a grant agreement between the Library of Virginia and the clerk's office will be drawn up and sent overnight to the clerk for signature. At the same time, a disbursement memo will go from the grants office to the LVA's fiscal department with instructions to process the payment as quickly as possible, but hold payment until authorized by the State Archivist or designee. In this circumstance only, the clerk will fax back an advanced copy of the grant agreement, with the original to follow immediately by mail. Upon receipt of the signed, faxed copy, the LVA will release the grant funds to the locality's fiscal office.

As with regular projects, status and expenditure reporting are required within 15 days following the completion of the project. Emergency grant project reports also require a copy of the invoice(s) and payment records.

This grant becomes part of the official record at the next grants review board meeting. At this meeting the board also takes up the matter of replenishing the emergency fund.

Any circuit court clerk's office wishing to improve the preservation and management of its permanent public records should contact the grants office to obtain a model application for the type of project being considered and for project specifications.

All applications must contain the requested information and a signed photocopy of the certification sheet, found on the last page of this program guide or on the LVA Web site, and be submitted in the format described on pages 13 and 14. The grants coordinator and other LVA staff members are available to assist circuit court clerks with the preparation of the application, as well as the procurement of project materials and services. Funds may be requested for use in any of the eligible categories listed in this guide. Available funds determine the total number of grants and the amount awarded for each.

Grant projects may be funded for a maximum of two years. Applicants with longer-term needs should identify phases for the project. Each phase would be eligible in different grant periods, pending satisfactory completion of the previous phase and availability of funding.

Funds for more than one type of project may be applied for within a grant cycle, but separate applications are required for each project. As part of the evaluation process, the grants review board considers the number of grants and amount of funding a circuit court has received. All other factors being equal, there are no restrictions regarding successive grants for an office, but the principle of equity will influence final decisions.

Note: Applications must not be submitted directly to any member of the current grants review board. Doing so will result in the application becoming ineligible for review during the current grant cycle.

APPLICATION DEADLINES

The program includes two grant cycles per year. Final applications are due in the grants office by 5:00 PM on April 15 and October 15, or the next business day. **All applications received after these deadlines will be returned for resubmission in a future grant cycle.** If the applications are mailed close to the deadline, the use of overnight or two-day delivery is highly encouraged. If desired, telephone the grants office to confirm the arrival of the application.

For those wishing to have their application reviewed prior to final submission, a draft should be submitted approximately one month before each deadline. This allows the grants coordinator time to review the draft and return comments.

GRANT APPLICATION REVIEW AND EVALUATION CRITERIA _____

In evaluating applications, the grants review board considers the importance and historical value of the records and the overall soundness of the proposed project. They are guided by the following criteria in making recommendations on applications:

Soundness of Method: The method of handling records should conform to generally accepted archival theory and practice. This includes thorough examination, arrangement, and description to make records readily accessible for research. Similarly, for those projects that seek to treat individual items, the methods used must not harm the item and the process must be reversible.

Local Commitment to Preservation: This includes providing for adequate storage space and proper environmental controls, designating a knowledgeable person or persons responsible for maintaining the records, and adhering to all standards for archival microfilming or guidelines for scanning as supported by the Library of Virginia.

Significance and Age of Records: The grants review board may give special consideration to those proposals addressing the preservation of older records.

Urgency of Need: Special consideration may be given to offices with critical preservation needs.

GRANT AWARD AND ADMINISTRATION _____

The evaluation of grant applications will occur at a grants review board meeting approximately thirty days after the final deadline. As this is a public meeting, the time and place will be listed in the calendar of the Virginia Register. The awarded projects should be announced within four weeks of the grants review board meeting.

Following the decision of the grants review board, notification in the form of an agreement detailing the specific terms of the grant, including the fiscal and project status-reporting procedures required, will be forwarded to the circuit court clerk by first class mail for signature. The Library of Virginia will then schedule the release of funds for the grant project. **As determined by instructions from the Auditor of Public Accounts, these funds must be released to the locality's fiscal office, i.e., the Treasurer's Office or Department of Finance.**

Grant applications not awarded because of insufficient funds may be resubmitted in a later cycle. These applications do not necessarily need to

be rewritten. In the event that an application is not awarded for reasons other than the availability of funds, the grants review board will relate the reasons to the grants coordinator, who will review them with the clerk. This will allow for changes prior to the next application deadline.

Applicants must agree to submit written project status and financial expenditure reports as determined by their plan of work and specified in their grant agreement.

Failure to submit appropriate and complete final reports will render an office ineligible to apply for further grant funding until those reports have been successfully received by the grants office. This includes reports that are currently delinquent.

PAYMENT SCHEDULE _____

Grant funding will be provided according to a payment schedule determined at the time of the agreement's execution and will be based on the approved plan of work.

MONITORING OF PROJECTS _____

Approved projects will be monitored by the grants coordinator, or other CCRP staff members, who will be available to provide consultation, information, forms, and assistance in evaluating project performance.

All projects will be subject to fiscal and/or compliance audits. The clerk's office and the locality's fiscal office should account for all grant funds by maintaining a separate line item. Separate accounts are not necessary.

Note: If funds are spent for purposes other than those approved in the grant application, or contrary to a subsequent written agreement with the grants coordinator, the award will be withdrawn and all monies returned to the grant fund.

AMENDMENTS TO THE PROJECT _____

Any amendments to the approved project, whether in the project work or in its funding, must be submitted in writing to the grants coordinator for prior approval. All requests for additional funding must be approved by the full grants review board.

INSTRUCTIONS FOR COMPLETING THE APPLICATION

Applicants for circuit court records preservation grants should discuss project plans with the grants coordinator before preparing an application.

A model application for most types of projects is available from the grants office. The completed application must be submitted on letter-size paper. All items submitted with the application also should be on *letter-size* paper, unless absolutely necessary. Please complete the sections of the application in the order listed. Address all items, even if the response is “not applicable.”

Completed applications must be *received* in the grants office by the closing dates and times indicated in the **Application Deadlines** section. Faxes are not permitted for the final application.

For assistance in preparing an application, contact:

Carl Childs
Director, Local Records Services
carl.childs@lva.virginia.gov
804.692.3739

Michelle Washington
Administrative Assistant
michelle.washington@lva.virginia.gov
804.692.3605

Fax 804.692.CCRP (2277)

APPLICATION FORMAT

Cover Page

Enter the title of the grant application using the categories listed in this document, then enter the locality, clerk’s name (and project director if different from clerk), mailing address, phone number, and e-mail address. At the bottom of the cover page include the date of the application deadline. See cover page on model applications for suggested format.

Text of Application

1. Description of Project

Indicate how grant funds will be used. Describe for each project segment (budget item):

A. Item of expenditure, e.g., fire detection and security system, reformatting, personnel training, salary support, project supplies, or travel expenses of coordinator/trainer/trainee, etc.

B. Records series affected, specific dates, volume (cubic footage), and physical condition, if applicable.

C. Benefits to your locality and the general public resulting from this segment of your project, e.g., preservation, security, improved accessibility, better management, etc.

2. Estimated Project Cost

Enter the total estimated amount that the proposed project will cost and a budget line for each item of expenditures listed in 1.A above. Note: For reformatting projects contracting with vendors, this figure must include any microfilm testing, quality control, and duplication charges.

3. Previous Actions to Protect Records in Clerk's Office

Indicate what measures your office has taken to improve the preservation and management of records in your custody.

4. Future Actions by Clerk's Office to Protect Records

Indicate what measures your office will take to improve the management and preservation of records in your custody.

5. Estimated Length of Grant Project

Specify how long, in six month increments, the project is estimated to take (i.e., six months, one year, 18 months, or two years). Grants may be funded for up to two years. Additional grants may be requested to complete a long-term project with funding being renewed for each grant submission. There is no guarantee of funding for longer than two years.

CERTIFICATION PAGE

Attach a signed and dated Certification Page bearing the (CCRP v. 11/2006) mark in the lower right corner. Use either a photocopy of the form at the end of the printed program guide or a print out of the version on the Library of Virginia's Web site. DO NOT RETYPE THE FORM OR RECREATE THE FORM BY ANY OTHER MEANS.

CERTIFICATION PAGE

Statement regarding expenditure of funds:

I agree that funds granted under the Virginia Circuit Court Records Preservation Program will be spent only in accordance with the plan of work and budget statement presented in this application and agreed to in the grant agreement, and that any changes in the submitted plan of work and/or budget will be submitted in writing to the grants office for approval in advance.

Statement regarding archival and records management policies and procedures:

I agree to comply with all policies and procedures governed by the *Code of Virginia*, and the decisions of the Circuit Court Records Preservation Grants Review Board and the Library of Virginia concerning the management, preservation, reproduction, and storage of public records, as well as those pertaining to the official recording of such records in government offices, whether on paper, microfilm, digital image, or any other medium.

Statement regarding project status and financial expenditure reports:

I agree to submit program status and financial expenditure reports as specified in the grant agreement. I also agree to account for all grant funds, to maintain separate financial and programmatic records on this project, and to retain such source documentation as canceled checks, paid bills, payroll, or other accounting documentation, in conjunction with the fiscal office of this locality, that would facilitate an audit. I understand that failure to submit the status and financial reports will result in my office becoming ineligible to receive future grant funding, until such time that the delinquent reports have been successfully submitted.

Signature of Circuit Court Clerk

Typed or Printed Name of Circuit Court Clerk

Locality

Date