



Kentucky Department for Libraries & Archives

County Clerk Modernization Task Force – July 21, 2021

Local Records Grant Program

Terry L. Manuel, Commissioner

The Kentucky Department for Libraries & Archives

The Kentucky Department for Libraries and Archives (KDLA) serves the informational needs of the Commonwealth by assuring equitable access to high quality library and information resources and services and by assisting public agencies in the creation, retention, and preservation of essential governmental records.



The Local Records Program – History

- The Local Records Program was created by HB26/HCS, an act of the legislature during the 1984 General Assembly, sponsored by Representative Marshall Long.
- The purpose of HB 26/HCS was to authorize the Department for Libraries and Archives (DLA) to accept and administer funds for records management programs in state and local agencies.
 - It increased the legal process tax on non-marriage recordings from \$1 to \$3.
 - It also appropriated \$950,000 to DLA each year of the 1984-86 biennium for a vital records management program to include grants to local governments.
- By establishing an increase in the legal process tax, the legislature chose to fund the Local Records Program without any revenue reduction to the offices of county clerks.

Moving Forward – Current Funding Statute

- In 2006, an additional \$1 fee was established by the legislature for the program.
- The fee is collected by the clerks and is a pass-through. KRS 142.010(5)
- General Fund appropriations for the Local Records Program were terminated in 2018.
 - This led to a drop in program funding of about \$200,000 per year.
 - The only funding that remains for the program is from the \$1 pass-through fee collected by the clerks – there is no cost to the clerks associated with the program.

Awarding Grants – Agencies Eligible for Grants

- Under statute, all “local agencies” are eligible. (KRS 171.520(1))
- 725 KAR 1:050: “Any local government office interested in improving the management and preservation of its public records” is eligible to apply for a grant.
- Local Agencies are defined in KRS 61.870(1). For the purposes of this grant, eligible local agencies are listed to the right:
 - Every local office, division, bureau, board, commission and authority;
 - Every county and city governing body, council, school district board, special district board, municipal corporation, and any board, department, commission, committee, subcommittee, ad hoc committee, council or agency thereof; and
 - Any other local body which is created by state or local authority and which derives at least twenty-five percent (25%) of its funds from state or local authority.

Awarding Grants – Agencies Eligible for Grants

- Under statute there are over 2,900 potentially eligible local government agencies in the Commonwealth, including the 120 clerks’ offices.
 - Originally, grants and most services were provided to county clerks, city and local government.
 - Later, due to high demand from the clerks, the focus narrowed only to county clerks.
 - This was neither in keeping with statute nor fair to the other eligible local offices.
- KDLA reviewed and reevaluated our services in 2016. We reaffirmed our commitment to:
- Provide equitable services to all eligible local agencies.
 - Provide grants available to all agencies eligible under statute.
 - Ensure that State Procurement statutes are followed by all successful applicants.
 - Ensure all grant participants are accountable for grant expenditures.
 - Ensure transparency in all aspects of the program.
 - Any local government agency can apply, using the guidelines and forms found on the KDLA website. The application must include a project description, plan of work and a budget.

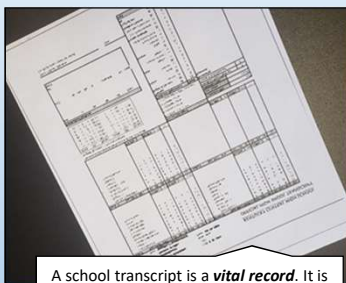
Awarding Grants – The Process

- Grants are awarded twice per year
- The normal grant award is for 18 months
- Applicants are encouraged to design projects which can be completed during that period
- Applicants with larger projects are urged to carry out their work in realistic, manageable stages

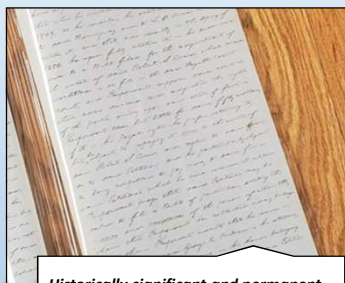
By regulation there are nine project categories:

1. Security microfilming for vital or historically significant records
2. Rerecording of damaged or impermanent records
3. Document preservation
4. Purchasing conservation supplies
5. Establishing a local government records management program
6. Arranging or describing archival holdings
7. Purchasing preservation supplies and equipment
8. Improving storage conditions
9. Codification of ordinances

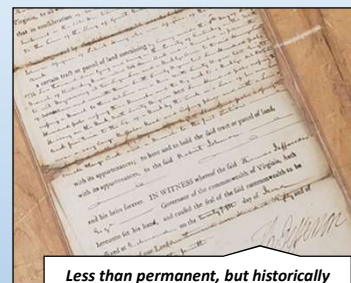
Record Types



A school transcript is a **vital record**. It is not historic, but it is *absolutely necessary* for the office where it is used, and the people it impacts.



Historically significant and permanent – this letter is signed by Abraham Lincoln, and is part of our archival collection.



Less than permanent, but historically significant – this land grant is signed by Thomas Jefferson and Lord Dunmore, and is part of our archival collection.

Awarding Grants – The Process (continued)

Grant Review and Evaluation:

- Applications are reviewed by the Local Records Grant Review Committee, which ranks the applications and makes a funding recommendation to the State Libraries, Archives and Records Commission.
- Recommendations of the Commission are forwarded to the commissioner of the department, who makes the final decision on grant awards.

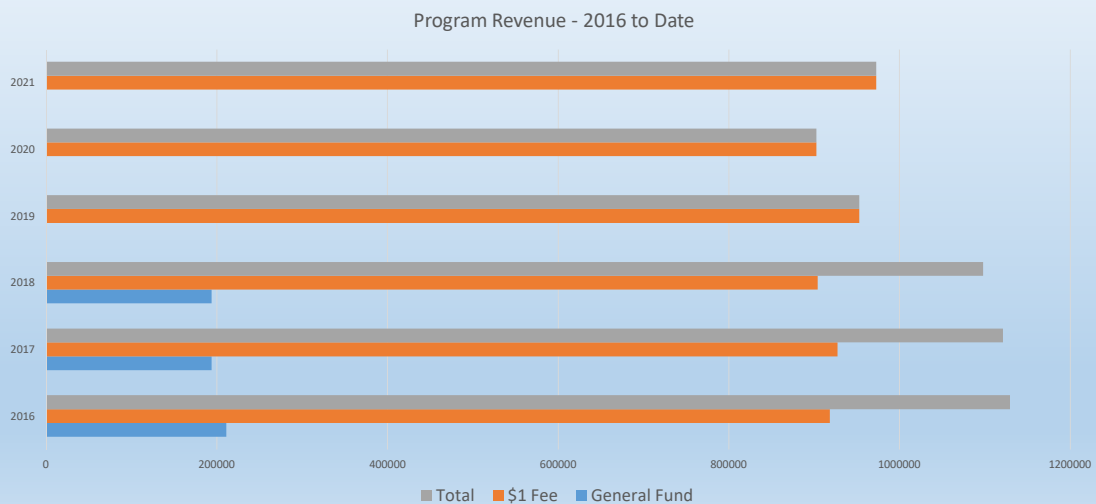
Other Considerations:

- A grant cycle is from January to June and July to December.
- Grant recipients are notified of their award in June and December of each cycle.
- Projects begin after all signed contractual documents are received by KDLA.

Grant Review Criteria:

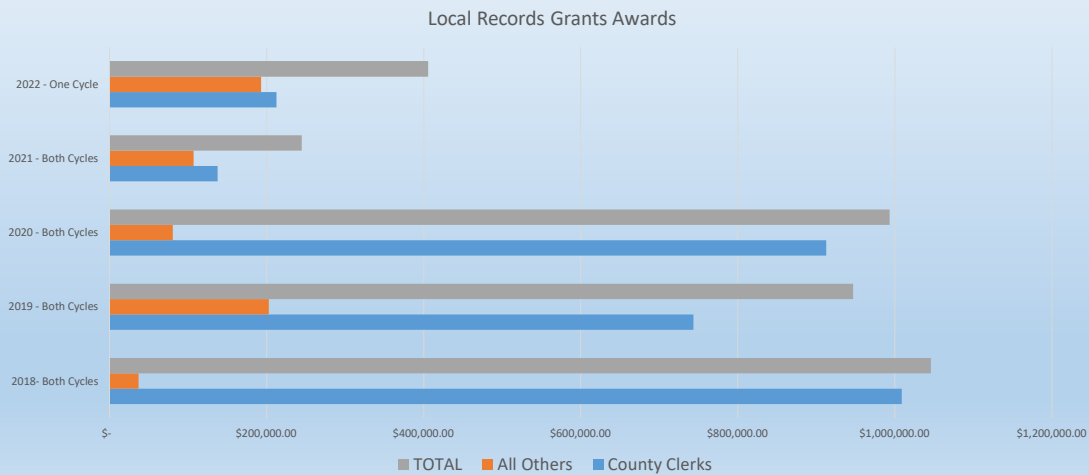
1. Urgency of the problem
2. Value as a model and type for size and geographical location of the local government
3. Soundness of the proposed methods
4. Commitment of local government resources to the project
5. Commitment by the local government to maintain the program or the lasting benefit of a specific project
6. Adequate security and protection of records
7. Compliance with all legal requirements regarding custody and public access
8. Commitment by the local government to a comprehensive records management program

Local Records Program Yearly Funding



Grants Awarded – All Agencies

NOTE – “Non Permanent Record Agencies” **Do Not Exist**, and cannot be addressed in this presentation

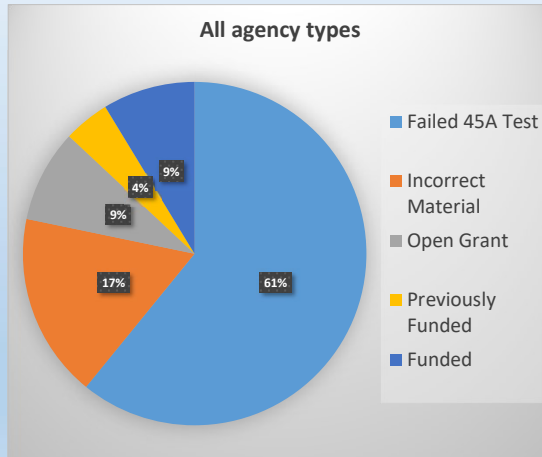


Funding of Agencies – Additional Information

- Prior to 2018 KDLA received approximately \$200,000 annually in General Funds for use in making local records program grants. This was eliminated from the state budget in 2018, and thus reduced the funds available for award.
- This obviously led to a decrease in total grant awards to local government agencies.
- As part of the application process, applicants must solicit and receive estimates (bids) for the project.
- Bidding must comply with statutory requirements under KRS 45A.365.

2021 Cycle #2 – A Decrease in Awards

- The total number of awards made in this cycle decreased significantly, as KDLA fully implemented oversight to ensure statutory compliance before grants were awarded.
- The primary reason for lack of awards is failure to comply with KRS 45A.365 of the state purchasing requirements.
- This downward trend is not expected to continue, as we are working with all eligible agencies to rectify this problem.
- A breakdown of the reasons for application rejection during this cycle follows.



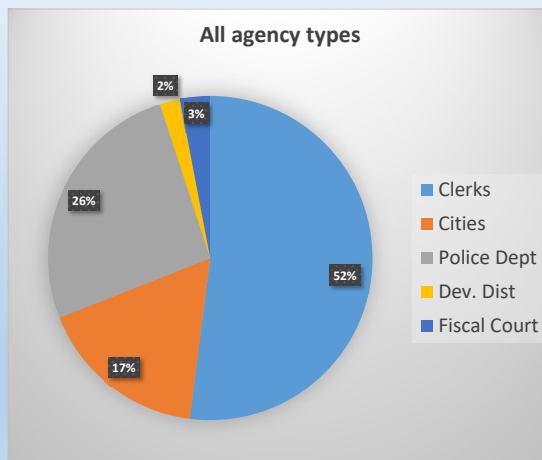
2022 Cycle #1 – Awards

25 Applications were received, 23 were funded:

- 11 County Clerks funded for a total of \$212,663
- 8 Cities funded for a total of \$67,882
- 2 Police Departments funded for a total of \$106,330
- 2 Development Districts funded for a total of \$9,250
- 1 Fiscal Court funded for a total of \$9,750

TOTAL FUNDING AWARD in this single grant cycle: \$405,877.06

Applicants are back on track to receive over \$1 million this year – assuming submission of fundable applications.



Turning the Corner

- Returning the program to the original purposes envisioned by the legislature has been challenging but necessary.
- The Kentucky Local Records Grant Program is a national model for local records preservation and accessibility.
- We look forward to continuing this work, in the manner originally intended by the legislature.

How KDLA Uses Local Records Program funding:

- 0% for administrative costs
- 0% for staff salary
- 0% for supplies
- 0% for travel
- 100% for grants to eligible local agencies
- 100% of the funds not used in one grant cycle are carried forward to the next
- 100% of the funds remaining at the end of a fiscal year are carried forward into the next

These funds are never used for any purpose other than to make grants to eligible local public agencies for the reasons specified in statute and regulation, in accordance with the expressed will of the legislature.

Local Records Program's ROI

- Local government officials have in their custody many irreplaceable, one-of-a-kind records.
- These records exist in different formats, such as paper, film, or electronic data.
- Regardless of the format, the safety and maintenance of each record can be threatened by disasters such as fire, floods, theft, and vandalism.
- A primary mission of KDLA is to aid in the preservation of and access to these public records.



A courthouse can be destroyed by fire and/or water.



Any City, County or Special Purpose Governmental Entity (SPGE) office can be flooded.



Theft of local records continues to be a threat to local public documents.

KDLA's Vault Holdings

- To ensure the safety of local public records, KDLA maintains permanent microfilm records of most material held by the county clerks.
- These microfilm records act as security backup for filming done as a portion of grant-funded projects.
- These materials are held in a fireproof, secure, climate-controlled environment.
- KDLA currently holds 62,782 rolls of microfilm for the county clerks alone.
- We also hold 5,634 items of county clerk material in other formats.
- These records are used on a continual basis to replace records stolen or destroyed from the offices of the clerks.
- In many cases, the records held by KDLA may be the only copies in existence.



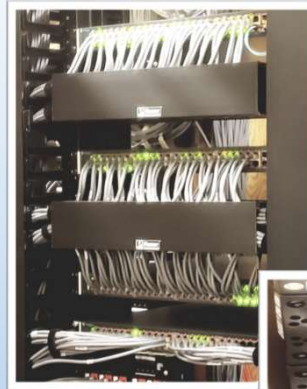
KDLA's Archives Research Room

- In our research area, we have approximately 53,000 rolls of county clerk microfilm available for public use each weekday (except holidays).
- Creation of these records was enabled through local records grant projects.
- Operation cost, including staff salaries, is funded by KDLA through other sources.
- **The KDLA microfilm collection contains over 366,000,000 images of County Clerk documents alone.**



KDLA's Electronic Records

- KDLA holds 9,199,167 digital records from the county clerk offices throughout the state.
- These records occupy 11,077 gigabytes of data.
- KDLA also holds:
 - 1,957,804 essential electronic documents from Kentucky's public school systems.
 - 873,911 electronic documents for the cities of the Commonwealth.
 - 178,834 electronic documents for the Kentucky court systems.
 - 10,000 electronic documents for various other local agencies.
- In total, KDLA holds 5,157 gigabytes of data for non-clerk agencies.
- All records in electronic format are housed locally by KDLA.
- All storage costs are paid by KDLA from non-grant-related funds.
- Storage costs are not passed on to the local offices, nor are they paid with Local Records Grant funding.



Local Records Grants – Awards

Beyond the millions awarded for security microfilming and preservation:

- KDLA has funded 145 electronic systems grants to 79 county clerk offices totaling \$3,679,810.00.
- Clerks received 169 salary grants, amounting to \$2,305,550.00, to assist with records management, scanning and indexing, and other records related areas.
- 110 county clerks have received 323 equipment grants totaling \$3,019,637.00.

Including microfilming and digitization, county clerks have received 1,468 grants totaling \$24,714,348.78.

KDLA's Additional Services Offered to Local Agencies – At No Local Cost

- We assist with the use of the appropriate Records Retention Schedule and the destruction of obsolete records.
- We provide records management education training through the presentation of workshops
- We provide guidance for the creation of local government records management programs
- We provide records management consultative services, including consulting on new technologies
- We provide assistance in planning local records grant projects, initiating projects, and in monitoring progress
- We assist in the preparation of records for microfilming
- We provide 24-hour service for records disaster recovery assistance

KDLA Fully Supports Clerks' Modernization

- It would be a tragedy for the preservation and availability of local public records if the current Local Records Grant Program were curtailed or redirected.
- Endangered records must always come first – once a record is lost, there is no way to recover it.
- KDLA's Electronic Records Branch is the statewide expert on digitization and automation of public records. We stand ready to assist all eligible local entities by:
 - Providing consultation on digitization and systems
 - Providing grant funding to eligible grant applicants

Summary

- KDLA is maintaining and managing the program according to its intended purpose, as reflected in statute, regulations, and comments at the time of enactment.
- All eligible local agencies are provided assistance and may apply for grants under this program.
- All successful awardees are required to comply with state procurement statute and regulation.
- KDLA places all grant information – applications, regulations, statutes, and others – on our website.
- KDLA lists all grant awards on our website.
- KDLA stands ready to assist clerks in the modernization effort, but cannot support a change that could endanger essential records.

Thank you!

If KDLA can be of any additional assistance, please feel free to contact:

Terry L. Manuel
 Commissioner, State Librarian & Archivist
 Kentucky Department for Libraries & Archives
 502-564-8303
terry.manuel@ky.gov

Contributors: Nicole Bryan, Branch Manager, Local Records Branch, KDLA
 Derek Clark, Branch Manager, Electronic Records Branch, KDLA
 Cathrine Giles, Branch Manager, State Records Branch, KDLA
 Beth Milburn, Deputy Commissioner, KDLA
 Mackenzie Miley, Executive Secretary, KDLA
 Jennifer Patterson, Branch Manager, Archival Services Branch, KDLA
 Renita Van, Administrative Specialist II, Archives and Records Management, KDLA