

## MEMORANDUM

**TO:** Town Council  
**FROM:** Amanda Christman, Town Clerk  
**DATE:** August 1, 2023  
**SUBJECT:** Records Retention  
**CC:** Lisa Wax, Town Treasurer

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### Issue

The Fairfax County Archives department has asked Clifton to address the 71 boxes of Town records in their storage, which date back to 1902. The records primarily consist of Council minutes, budgets, correspondence, ordinances, Zoning, and ARB papers.

The County will require a Memorandum of Understanding (MOU) if the Town wishes to continue storing any amount of records in the Archives, as there will be a recurring cost for this service after this current fiscal year.

There are broadly 3 categories of records held at the Archives:

- 1). Original, historic Council Minutes (1902-1924 is already scanned and on the Town website, while 1931-1941 was previously believed lost, with no electronic versions available).
- 2). Town records that have been held past their retention schedule\* and therefore could be shredded.
- 3). Town records that must be kept indefinitely,
  - a). some of which have already been scanned and could be shredded, and
  - b). some that must not be shredded unless they are scanned first.

\*Pursuant to state code, different categories of records have different schedules for retention, after which time they may be destroyed. For example, Town Council meeting minutes, adopted budgets, and old ordinance versions must be permanently retained; likewise with subject file correspondence of the Chairs of certain boards, commissions and councils. In contrast, non-Chair members' correspondence can be destroyed after 3 years; most Treasurer's records after 3-5 years.

### Recommendations

The Council should preliminarily consider:

- Appointing at least two Records Retention officers to assist in the design, implementation, and ongoing coordination of the records management program to meet regulatory requirements.
- Adopting a basic Records Retention policy that outlines high-level goals and expectations for compliance with state record retention requirements.
- Adopting guidelines for records retention procedures to address the goals in the policy, which would assist all Town officials in understanding retention schedules that are relevant for their individual collections.
- Initiating an MOU for some continued Archive storage, at least for the most historic records (kept safely in a climate-controlled vault), and possibly for the entire collection until further review can be accomplished.

- Developing a process to identify which of the 3 categories each of the records belong to so that the appropriate actions can be taken, such as hardcopy storage, scanning, and/or shredding.

### **Details**

Thanks to the personal initiative of ret. Chief Fairfax County Archivist Brian Conley, most of the Town Council Minutes dating back to 1902 have been scanned and saved electronically. The originals are held by the department in a climate-controlled vault.

An original, bound set of Council Minutes from 1931-1941 is currently housed in the Archives that was microfilmed for storage in the Library of Virginia located in Richmond in the 1970s. No other copies are known to exist. It would be ideal to scan the original set and convert it to an electronic version that could be kept with the Town's permanent collection, published on the website. However, this would permanently damage the binding and would cost time and funding. Archive staff have advised that the 50-year-old microfilmed images are likely to be in poor condition.

Two years of Minutes have been clawed back from the Archives and will be scanned and published to the website as soon as possible (2008-2009). Approximately 35 years' worth of minutes scanned by the Archives have been packaged and published to the website; 30 years of scanned minutes are still waiting in the queue.

### **Virginia State Code Citations**

§ 42.1-85 designates the Library of Virginia to administer the Public Records Act; requires Library to provide support and training; requires political subdivisions to appoint a Records Retention Officer.

§ 42.1-86.1. establishes requirements for the destruction of public records.

§ 42.1-88. requires custodians to deliver their records at the end of their terms.