

Recommendations of the State Librarian Concerning the Retention Schedule for Land Use and Development Records



Connecticut State Library
Hartford, Connecticut
January 1, 2016

STATE LIBRARIAN

Kendall F. Wiggin

STATE LIBRARY

LeAnn Power, CRM, Public Records Administrator

Lizette Pelletier, State Archivist

Kathy Makover, Field Archivist

STATE LIBRARY BOARD

John Barry, Chair

Robert D. Harris, Jr., Vice Chair

Ellen Cohn

Allen Hoffman

James G. (Jay) Johnston

Matthew Poland

Judge Michael R. Sheldon

Judge Peter T. Zarella

ADVISORY COMMITTEE FOR SCHEDULE M10

Christopher Baldwin, Building Official, New Fairfield

Mike Fuschi, Building Official, Hartford

Joseph Summers, Zoning Enforcement Officer, Hebron

Chris Tietjen, Guilford Harbor Management Commission, Guilford

James Taylor, Chief Building Official, Enfield

David Jolly, Chief Building Official, Cromwell

John DeLaura, Zoning Enforcement Officer, Madison

Tony Cinicola, Building Official, Branford

William Marr, Building Official, Greenwich

Table of Contents

INTRODUCTION.....	5
ADVISORY COMMITTEE FOR <i>SCHEDULE M10: LAND USE AND DEVELOPMENT</i>	6
FINDINGS.....	6
RECOMMENDATIONS	7
CONCLUSIONS.....	10
ANNEX A: Special Act No. 15-4	13
ANNEX B: Proposed Bill No. 6575	15

[Blank Page]

Recommendations of the State Librarian Concerning the Retention Schedule for Land Use and Development Records

INTRODUCTION

Special Act 15-4, *An Act Concerning the Retention Schedule for Land Use and Development Records*, calls for a report detailing the findings, recommendations and conclusions of the advisory committee on *Municipal Records Retention Schedule M10: Land Use and Development*.

The original bill from which this act evolved, Proposed Bill 6575, *An Act Revising the Retention Schedule for Land Use and Development Records*, proposed “to eliminate the requirement that [land use and development] records be saved to microfilm or microfiche and to allow such records to be stored electronically.”

In testimony presented on February 13, 2015, State Librarian Kendall Wiggin explained that there is no requirement to convert these records to microfilm or microfiche nor is there any prohibition against storing these records electronically. However, in accordance with current agency policies, land use records that require long-term retention and are stored electronically must be backed up with either a paper or microfilm copy to ensure long-term preservation and access to these records.

Electronic records rely on rapidly evolving technologies to be accessible and can quickly become unreadable if they are not properly managed. The records must remain accessible throughout their entire retention period and for land use records with the retention period of “life of structure,” this may be decades or centuries. The management and preservation of electronic records requires municipalities to commit significant and ongoing technical, financial and staffing resources to properly maintain their electronic records and the associated technologies to ensure long-term accessibility. As specified in *Public Records Policy 02: Digital Imaging*, municipalities must create and maintain electronic records in accordance with established standards regarding authenticity, reliability, integrity, and usability.

A paper or microfilm backup copy does not rely on the proper maintenance of any associated technologies to ensure long-term preservation and access. A hard-copy backup ensures that municipalities will be able to access land use plans, maps, permits and inspection files for the full length of their retention periods even if problems develop with the digital images or

electronic indexes. Municipalities must maintain access to these records in order to carry out their statutory responsibilities in several essential areas.

ADVISORY COMMITTEE FOR SCHEDULE M10: LAND USE AND DEVELOPMENT

Pursuant to *Connecticut General Statutes* Sections 11-8 and 11-8a, the State Library sets retention schedules for the records maintained by the executive branch state agencies and the political subdivisions of the state. The Library must revise each schedule at regular intervals to review and incorporate any changes or additions to the records maintained by these public agencies and to the administrative, fiscal, legal and archival values associated with the records.

For municipal schedule revisions, the Office of the Public Records Administrator forms advisory committees to obtain input from the municipal department officials who create and work with the records. These town officials serve to represent the needs and practices of municipalities ranging in size from small towns to large cities from across the state. The Schedule M10 Advisory Committee currently includes building, zoning and wetlands officials from Branford, Cromwell, Enfield, Greenwich, Guilford, Hartford, Hebron, Madison and New Fairfield.

This committee was formed in July 2014 and has held five meetings to date. In June 2015, a subcommittee was formed to address the question of moving life safety records to a separate schedule. The committee has now completed its initial review of the building department records and will continue to meet to review the planning, zoning, wetlands, economic development and statutory commission records series.

FINDINGS

Though the Advisory Committee has not yet completed its review of the M10 retention schedule, it has presented its findings regarding electronic records issues as required under Special Act 15-4.

Committee members cite difficulties with the increasing volume of land use records in hard copy formats, particularly with regard to the efficient storage, organization and retrieval of these records. At the same time, members acknowledge that to date, many towns have undertaken scanning projects without attention to the established policies and standards that ensure the long-term authenticity, reliability, integrity, and usability of these digital images and

associated indexes. In addition, members report lack of adequate financial resources within many municipalities to begin scanning projects or to properly maintain the scanned images once created.

The Committee therefore finds that municipalities require further support to ensure the long-term preservation and management of electronic records, including increased access to:

1. Dedicated funding for electronic records management
2. Policies, training and outreach specific to electronic records management
3. Digital repository services

Until municipalities have strong electronic records systems in place and the resources to actively manage these systems over time, it is understood that it would be irresponsible to allow the destruction of hard-copy original records of enduring value after scanning. Once municipalities can demonstrate that they have robust electronic records management systems in place and ongoing support for these systems, the State Library will review and approve the destruction of hard-copy land use records that have been converted to electronic formats.

RECOMMENDATIONS

The recommendations of the Advisory Committee are as follows:

1. Increase Funding for Electronic Records Management

Committee members recommend increased funding for municipalities to establish and maintain strong electronic records management systems.

The Historic Documents Preservation (HDP) Program serves as a model for providing funding for specific records management purposes. Established under Public Act 00-146, this program is funded through a three dollar fee on land recordings. Two-thirds of this fee funds a grant program administered by the State Library, allowing the monies to be pooled so that every municipality can receive sufficient funding each year to undertake a significant records project, with a small portion also funding municipal records projects at the State Library. One-third of the fee is retained directly by each town clerk's office for similar purposes.

The HDP Program provides funding for the preservation and management of the permanent and essential records maintained by town clerks, including land records, land record maps, vital statistics records and the minutes of the towns' governing boards. With these funds, clerks are able to ensure continued access to these essential records, through projects to properly convert records for electronic access, back up records on archival microfilm, conserve early historical records, and improve records storage and management.

The Committee recommends that a similar program be established to provide funding for all municipal departments, including land use departments, that are currently facing significant records management challenges. In addition, a portion should be used to further develop the electronic records component of the Records Management Program at the State Library, which in turn supports the municipal programs.

The State Library has in the past recommended that a second small fee be collected on land recordings to support municipal electronic records management, but this proposal has not moved forward. In accordance with the recommendations of the Committee, the Library plans to submit this proposal again in an upcoming legislative session.

2. Increase Training and Support for Electronic Records Management

Committee members recommend increased training and support for municipalities to develop and maintain effective electronic records management programs.

The State Library has developed *Public Records Policy 02: Digital Imaging* and the associated *Digital Imaging Standards*, which provide municipalities and state agencies with specific requirements for scanning hard-copy records and maintaining digital images and indexes. The next step is to develop a policy for born-digital records, that is, records that are created and maintained electronically. As electronic government records consist of both digital images and born-digital records, it is important that both of these policies be available to state and municipal agencies.

Committee members recognize, however, that is it not enough to simply provide agencies with a written policy. They acknowledge that in many municipalities, the requirements of the existing Digital Imaging Policy have not yet been implemented. To best serve state and municipal agencies in developing strong electronic records management programs, the State Library requires an electronic records specialist on staff to provide technical guidance, outreach and training. Restrictions on hiring and budgetary constraints are preventing the Library from

moving forward with its plan to hire an electronic records specialist. Developing a strong electronic records management program is necessary to ensure the effective management and preservation of the increasing number of essential government records maintained only in electronic formats.

3. Expand Opportunities for the Use of Digital Repository Services

Committee members recommend that municipalities be given more opportunities to make use of digital repository services for the management and preservation of records of enduring value.

Members expressed concerns about municipalities relying only on local systems to store electronic records requiring long-term retention. A digital repository service can serve as another element within an effective electronic records management program. In response to interests expressed by committee members, the State Library has proposed a land use records pilot project with the Connecticut Digital Archives.

The Connecticut Digital Archives (CTDA) is a digital repository service developed by the University of Connecticut Libraries in collaboration with the Connecticut State Library. The CTDA offers a standards-based repository and infrastructure supporting a diverse set of applications, services, and tools to manage digital assets of enduring value. This repository provides long-term storage, preservation and access services.

Since its launch in November 2013, the CTDA has grown from one collection with about 23,000 objects to dozens of collections and over 260,000 digital assets from almost 25 institutions and state agencies, making it the largest aggregator and preserver of digital cultural heritage in Connecticut. The primary focus to date has been to provide digital preservation services to non-profit cultural and educational institutions and state agencies in Connecticut. Participants include libraries, historical societies, museums, and universities. The State Library has proposed the Land Use Records Pilot Project as a first step towards expanding CTDA services to municipalities.

Staff from the State Library and the University of Connecticut Libraries held a preparatory meeting to discuss the proposal in July 2015. The State Library then formed a Land Use Records Pilot Committee which held its first meeting in September 2015. Members include staff from the State Library and the CTDA and three land use officials representing the towns of New Fairfield, Branford and Hartford. The participation of officials from these three towns ensures

that the committee can represent the needs and interests of municipalities ranging from small towns to large cities.

The goal of the pilot project is to test the compatibility of the participating municipalities' document content management systems with the CTDA and to develop the necessary work flow processes for ingesting the records. Once the pilot project is implemented, the CTDA services can be offered more broadly to municipalities as a solution for the long-term preservation of electronic land use records.

Alternatively, municipalities may choose another similar approach for the long-term preservation of essential electronic records, either using a commercial repository service or developing an in-house solution. All digital repositories must be compliant with *ISO: 14721 Open Archival Information System (OAIS)* which prescribes standards for maintenance, long term preservation and access to electronic records. The State Library will address digital repository requirements in an upcoming policy statement to provide municipalities with further guidance.

The Land Use Records Pilot Committee has requested an estimated costs proposal from the CTDA staff and will schedule its next meeting once it receives these estimates. Whether designing an electronic records management program entirely in-house or incorporating external elements such as digital repositories, there will always be significant costs associated with maintaining an effective, secure and reliable system. These costs include software and hardware expenses as well as the necessary staff time and expertise to implement and maintain the policies, procedures and systems required for effective electronic records management.

CONCLUSIONS

It is essential to support municipalities with the funding, training and resources required to implement strong electronic records management programs. Without such programs in place, municipalities face an increasing risk of loss or corruption of their long-term and essential electronic records over time. The costs to recover lost or damaged records due to poor electronic records management can be very high. It is more cost-effective to put municipal resources towards the implementation and maintenance of robust and well-designed electronic records management systems at the start. Furthermore, in cases where electronic records cannot be recovered, the consequences can be crippling to the municipality, impacting its

ability to carry out its statutory responsibilities in critical areas ranging from land use and infrastructure to human services and public safety.

The Committee therefore recommends that the three recommendations presented in this report be implemented in a timely manner, increasing municipalities' access to funding, training and repository services. It is only by establishing electronic records management programs that meet required standards that municipalities can ensure efficient and effective government operations and the long-term preservation of essential government records in electronic formats.

[Blank Page]

ANNEX A: Special Act No. 15-4

House Bill No. 6575

Special Act No. 15-4

AN ACT CONCERNING THE RETENTION SCHEDULE FOR LAND USE AND DEVELOPMENT RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective from passage*) On or before January 1, 2016, the State Librarian shall submit a report detailing the findings, recommendations and conclusions of the advisory committee on Municipal Records Retention Schedule M10: Land Use and Development, to the joint standing committee of the General Assembly having cognizance of matters relating to planning and development, in accordance with the provisions of section 11-4a of the general statutes.

Approved June 19, 2015

[Blank Page]

ANNEX B: Proposed Bill No. 6575

Proposed Bill No. 6575

January Session, 2015

AN ACT REVISING THE RETENTION SCHEDULE FOR LAND USE AND DEVELOPMENT RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That section 7-109 of the general statutes be amended to revise the retention schedule adopted by the Public Records Administrator for land use and development records to eliminate the requirement that any such records be saved to microfilm or microfiche and to allow such records to be stored electronically.

Statement of Purpose:

To streamline the records retention process for municipal land use and development records by eliminating the requirement that such records be saved to microfilm or microfiche.