

**Meeting Minutes of the October 22, 2004 State Historical Records Advisory Board held at the Department of Administration, Department of Purchasing, Boise, ID 9:00 am - 4:00 pm**

**Board members in attendance:**

Pam Babbitt, Duane Bogstie, Denton Darrington, Byron Johnson, Mary Reed, Darrell M. Roskelley, Steve Smylie, Alan Virta, Steve Walker, Robin Wilson. Details on Board members available at <http://www.idahohistory.net/SHRAB2004list.pdf>

Chair: Steve Walker.

Not in attendance: Blaine Blake (in town, ill), Larry Ghan, Julian Matthews, Carol Schreiber

**Guests:**

Pam Ahrens, Director, Idaho Department of Administration

Jan Cox, Administrator, Purchasing Division, Department of Administration (for Duane's presentation)

Linda Morton Keithley, Administrator, Idaho State Historical Society

Annette Mooney, City Clerk, Boise, Idaho (joined meeting at 1:00 p.m.)

**Summary of meeting -**

1. **Chairman updates the Board on the NHPRC Disaster Preparedness training grant.**
2. **Nominations of new Board members and a review of attendance by members were discussed. A vote was passed to review attendance patterns of current members.**
3. **July Meeting Minutes presented and discussed.**
4. **Duane Bogstie made a presentation on the records management processes at work within Department of Administrations' Records Center.**
5. **The October 21, 2004 meeting with Governor Kempthorne by SHRAB members was discussed, considered generally successful.**
6. **Lunch**
7. **Draft Legislation being developed by the Idaho Association of Cities was presented by Annette Mooney and discussed by those present.**
8. **Discussion of preparing an updated version of the "Preserving Idaho History" report from 1984.**
9. **add**
10. **add**

**General Business:**

1. **Steve Walker reports on**
  - the NHPRC Grant funding web-based Disaster Preparedness training. No appreciable change in level of response. Has added a link to the Idaho Department of Homeland Security.
  - The NHPRC Grant funding that SHRAB uses for operations: it will expire in March 2005.
  - his presentation schedule around the state. It has included, among other locations: Twin Falls, Coeur d'Alene, Weiser, Pocatello, Idaho Falls, Meridian, and Boise ARMA meeting, Gem and Washington Counties, and an open house at State Archives, to occur October 23, 2004. A complete listing is posted at the SHRAB website.

Pam Babbitt – Is disaster prep part of all presentations? Yes, some amount, mostly referring to resources.

## 2. Nominations to the Board

Steve Walker has distributed his cover letter to the Governors Office along with the three appointment request letters. Resumes went with the nomination letters.

There was some discussion of Board review and comment on of the nominees, and membership participation.

Mary Reed asked if there would be vacancies if all members due for reappointment have been reappointed

Both Steve Smylie and Mary commented that Julian and Carol don't attend consistently. Steve Smylie asked for a check on their attendance.

There was a vote on a check on past attendance of the members of the Board. Steve Smylie made the motion; Duane Bogstie seconded. All ayes. [[Who will perform this check is not clear from the tapes.]]

The question was raised about why nominations were being made at this time. Steve Walker answered that Para Byron, Education Advisor to the Governor (and SHRAB contact in his office) had asked for new names. The assumption is that the Governor asked for names. Steve Walker remarked that he has no idea what prompted this, but that it is unusual.

Mary Reed – Can't we go ahead and added a recommendation about these three people?

Byron Johnson – How were these names selected?

Steve Walker – Some came from inside the ISHS, the others from requests received directly by the SHRAB.

Byron Johnson – Responding to Mary Reed's question – I hesitate to favor any candidate. SHRAB shouldn't meddle in the Governor's decision.

Duane Bogstie – There are four open seats, and seven recommendations to the Governor.

If the board were stricter on attendance, then if they weren't active we'd have a basis for submitting more names.

Byron Johnson – brought up term limits.

Steve Walker suggested a nominating committee.

Duane Bogstie – suggests representing different areas of the states

Mary Reed – have someone from all sectors, including the private sector

Robin Wilson – suggests nominating Annette Mooney for the cities

Byron Johnson – After checking the document, says that the SHRAB Bylaws set no limit on the number of members.

The attendance review motion and vote were taken – all ayes. No nominating committee was formed at this time.

Note: Appointments end at the October meeting in final year of appointment.

3. **Robin Wilson reports on ISU NHPRC grant proposal.**

There have been a few minor questions concerning typographical errors in the proposal document, but the feedback from Mike Meier at NHPRC has been good. ISU expects to hear final approval/disapproval in early November.

4. **July 2004 Meeting Minutes submitted for approval**

Robin Wilson called for the approval of the July minutes.

Both Steve Smylie and Bryon Johnson remarked on errors on which of them made which remarks during the time that Nez Perce guest was at the July meeting. The remarks were noted and Robin promised to update the record to reflect them. (pg 3)

- No other SHRAB member requested corrections. However, a discussion occurred involving a statement about Pam Ahrens and Steve Guerber.

Byron Johnson - Asked for clarification on a point in the July minutes ascribed to Pam Ahrens and Steve Guerber saying they are in favor of the merger of the State Archives and Records Center.

Robin Wilson – That was based on a statement made by Linda M-K and I think it may have actually been “aren’t opposed”.

Linda M-K – I don’t recall and I haven’t seen the minutes.

Robin Wilson - Short of playing the tape again, I don’t know what to tell you. I will re-play the tape to clarify.

Linda M-K – I know that Steve Guerber is not opposed, but I certainly can’t speak for him.

Robin Wilson – suggested that she make the corrections noted, that the Board accept them provisionally, to be amended, she will replay the tape to update language, send it to the members, and they will need to be posted to the webpage. Voted and approved by all.

- The minutes were voted on and accepted unanimously, assuming corrections to be made, as appropriate.
- Correction to July 2004 Minutes: Following a complete review of the tapes from the July SHRAB meeting, it was found that the minutes when Linda M-K was presenting information on the ISHPACE legislation was not completely taped, so the language in question can not be confirmed. As a compromise, the language shall be amended to read that Steve Guerber and Pam Ahrens “do not oppose” the merger of the State Archives and the State Records Center, instead of the previous language saying “support”.

Note: Ms. Wilson requested that the Board review and reply with comments to the next set of minutes. Future minutes will be distributed to the Board for review as a draft prior to the next quarterly meeting in the interest of receiving comment closer to the date of the meeting being recorded. All members are encouraged to read their draft and comment to the Secretary in the timely manner.

*Side bar to the minutes discussion –*

*Robin Wilson returned to an earlier question to ask Pam Ahrens if she could agree with the statement from the July minutes that she is in favor of the Blue Ribbon Committee recommendation of some sort of merger of the Records Center and the State Archives.*

*Pam A. asked who said that. Robin W. replied that the tape would have to be replayed to confirm this, but that she understood Linda to say.*

*Linda M-K – “And I certainly was not speaking, Pam, on your behalf, but I think I do recall part of the context and it was that I was aware that both you and Steve Guerber had discussed the Blue Ribbon recommendations.” Mary Reed, “I think that’s what you said”. Robin Wilson reiterates the need to review the tape. Linda continued, “In general, we’re willing to discuss the matter further and that you are not out-and-out opposed. That was my understanding.”*

*Pam Ahrens – “Steve and I have talked about the concept, we did discuss the Blue Ribbon Taskforce recommendation. There are numerous issues, as you might imagine, of how this could occur, that I wouldn’t say that I oppose it or*

support it. The biggest issue for us is the control of active records that are within the Governor's purview, and his agencies, and that has to be addressed, and there are some legal issues regarding those and who really controls the records while they are active.

The other issue is anecdotally, what is the cost of this, as being pointed out as a possible savings. I think you need to flesh out a lot more detail of what the costs actually would be and would add costs to the whole process.

Conceptually, it is a good idea, and there needs to be more coordination, but to go on record totally in support of {"conchcon"?} something I haven't even seen and without talking to my boss I would not do that.

Robin Wilson – 'I will probably find that the tape says "not opposed"' She asked Ms. Ahrens to expand on her reference to the issue of control of active records.

It should be noted that Pam Ahrens was not expected to attend this meeting. She had come to attend Duane Bogstie's presentation and had not come prepared to respond to questions on this subject.

Pam Ahrens – "Records that are active, those that agencies are currently using...there has to be a control by the executive branch of those records. I think the same that goes for the judiciary and others-who, where the accountability comes in, how that's put together, is extremely important, and that's a major concern, because there are some liability questions regarding that. Who has the oversight? And as the proposals I've seen, some of them place it in other elected officials other than the governor, on in agencies where there are several levels of boards, citizens' boards, where there could be some issues that come up and I'm sure that can be resolved. But that's a critical issue.

Go into the records center that Duane [Bogstie] manages and see all the tax records that are sitting in there, that are current, active records. There are some major issues and department heads are given the responsible to control those records of citizens, and they are liable for some of that information. Plus, the actual cost that's being spent on where we're storing records, where they're actual stored—if they're being stored in a flood plain, that's not a good idea..." End of first tape for meeting.

## 5. Duane's presentation of the Operation of the State Records Center

Storage – part of the process of managing state agency records

While this facility is intended handle inactive/semi-active records, at a certain point in their life the records have archival value – ex: water rights records – some of Bunker Hill – 1972. Right now, State Archives, University of Idaho Archives, and the State Records Center all hold parts of those records. The Records Center has water resources adjudication records that should be in the Archives - stewardship issues arise – for microfilm and paper both.

The Center handles about 100 requests for retrieval a day – by phone, email, fax; a very small percent of requestors are general public.

Micrographics – newspapers – microfilm – 35 mm are outsourced to a vendor.

A few questions arose from the presentation:

Q – Alan Virta asked if the Records Center could answer a question about whether they hold records of a given agency, or do they 'have to send them to the agency'?

Duane answered that it depends on the type of record requested. There are chain of custody questions on retrievals.

Q - Robin Wilson asked about a Task Force referred to during the presentation, is it active?

Duane responded – It is made up of 17 agencies, their records managers and IT people. They work together with him to develop and update the Department of Administration records retention schedules that relate to their agencies.

Q - Robin Wilson – Is there someone in the Department of Administration who monitors the changes in relevant regulations?

Duane Bogstie works with the agencies, then submits updates Bobbie Eckerle, Operations Manager, who submits changes to their Deputy Attorney General.

Q - Byron Johnson – Are you familiar with the scope of the Archives and Records Division in Utah – has Duane worked with them?

Duane – No. He has talked to Oregon, Minnesota, Missouri, New York. They have retention descriptions that he can bring into this state, if needed.

Q - Byron Johnson – Do any of those states have unified records programs, where they are all under one agency?

Duane - Yes. All of the ones mentioned are that way, their archives and records centers are under one administration with the records center having the lead. Missouri just merged their archives and records center.

Q - Byron Johnson – have you reached any conclusions on how that could be done in Idaho?

Duane - He has some ideas, but they are just his opinion.

Q - Byron Johnson – Has Department of Administration performed any study about unifying the historical records and the governmental records under one administration?

Duane - None that he's aware of and he added that there was no need to (in the past).

Q- Blaine Bake – To the members in general - Where did the Blue Ribbon Commission's recommendation to unify the records functions come from? Did they do a study?

Duane did not know. Steve Walker expressed that it came from within the Blue Ribbon Commission's membership. Byron Johnson asked if SW was queried about this sort of unification, SW said yes. Steve Walker noted that Steve Guerber and Pam Ahrens did most of the talking while he was present. Byron J – how searching were those questions? Did they talk about cost? SW - The questions were general and cost was not discussed.

Pam Babbitt remarked that it seemed unusual that the Commission didn't look at cost. SW commented that they were probably looking at the fact that a majority of states do have these functions unified.

Q - Pam Babbitt – [referring to the lists of recommendations from the Preserving Idaho's History report] *“(3.9) The ISHS should determine if funding is available to provide at-cost or subsidized microfilming of records held in other repositories as a means of preserving valuable records, and also as a means of enabling these records to be shared with other repositories both in and outside of Idaho.”*

Q – Addressing Steve Walker – What she heard him say is that the State Archives has very limited microfilming available? SW replied that they only microfilm certain projects (ex: the Newspaper project), and that the filming is done by the Records Center, not State Archives. Through further discussion, it was established that ISHS/State Archives does not perform microfilming that meets the description of the type noted in 3.9 in 1984.

Steve Smylie – Expressed the opinion that the SHRAB should discuss the proposed pieces of legislation prior to discussing the recommendations as they were published in 1984.

Duane Bogstie – If there is going to be another “Preserving Idaho's History” then the recommendations from the old one need to be reviewed.

Mary Reed – Motion to have someone perform a survey of the status of archival and active records around the state.

Steve Smylie and Bryon Johnson both point out that such a survey would be premature.

Steve S. - Because the proposed legislation needs to be discussed.

Byron J. – Because it wouldn't be appropriate in light of what we asked the Governor to do just yesterday.

Mary R. – Withdraws her motion and asks for a presentation of the Governor's visit by those present whom attended.

## **6. Summary of the Meeting with the Governor –**

Those who met with Governor Kempthorne - Pam Babbitt, Blaine Bake, Denton Darrington, Byron Johnson, Steve Smylie, Alan Virta, and Robin Wilson

Denton Darrington summarized: The points noted in the letter of October 21, 2004 (on file, distributed to all members in advance of the meeting) were covered (Expressing support of the Blue Ribbon Panel recommendation to merge the records functions of the state under one administration), as well as extending an offer of assistance. The Governor asked specifically if the SHRAB wanted this [records management] to be handled by one agency? He's interested in his legacy, in historical records. Denton referred to the statement Byron made at the meeting that the SHRAB hoped that the Governor would show leadership in some consideration of whether it would be appropriate to move the Archives and the Records Center under one head. The Governor also showed a lot of interest in involving Dan Chadwick (Chairman, Idaho Association of Counties) and Ken Harwood (sp?) (Chairman, Idaho Association of Cities)

We pointed out that contact had been made between the SHRAB and Annette Mooney and the Counties Association. Pam Babbitt recapped her remarks to the Governor about how the City and County Clerk's Associations are pretty effective in helping the city and county clerks understand their role in preserving city and county records. She reminded him of his experience as Boise's mayor when she was his City Clerk. They had received an NHPRC grant to develop a retention schedule for the cities, which the Cities' Association still uses, and that was a good legacy for him as mayor. She then drew a comparison between that legacy as mayor to what the Blue Ribbon Commission has proposed (and the SHRAB is encouraging) and its potential for ensuring his legacy as governor.

Denton – The Governor perked right up on that point.

Pam – That was the point where the Governor asked about the SHRAB having contact with Ken Harwood, and when we said we had not, Kempthorne said he would be contacting him.

Steve Smylie – Cautions that we should not take that as a sure thing.

Pam – I think it was Alan Virta that pointed out that we were pleased about the enlargement of the State Archives building.

*Sidebar – not discussed in the Governor's meeting:*

*Pam also brought up a training that was hosted by an Ada County prosecutor's office [when?] for state-wide interest was attended by personnel from many agencies, there was a school district, a cemetery district, and a water district there, and when they asked what they were supposed to do when they ran out of room for their records, the prosecutor wasn't familiar with the applicable Idaho Code, the ISHS responsibilities, or the agency's responsibilities for their records.*

Robin Wilson – We did tie in points to some electronic records initiatives that the Governor has been involved with through the National Governor's Association, and their relationship to e-government. She referred to Denton's opening remarks when he expressed why he felt the Governor should be interested in a legacy, something that would last beyond his term of office, and how effective his statement was. Robin noted that Brian Whitloff, the Governor's Chief of Staff, read through his copy of the letter to the Governor as soon as it was handed to him, then leaned forward and really seem to be listening. In addition, when Kempthorne's clerk announced his next meeting, the Governor dismissed him and spent an additional 10 minutes with the SHRAB asking questions. She also recalled that the members did make the point that the intention of the unification was to improve public access through the "one-stop shop" concept, that internal operations would continue in much the same ways, but with a unified face for records management in Idaho as a whole.

*Other points from the meeting:*

- The implications of the unification for the release of public records (responses under the Public Records Law) were discussed. In particular, Kempthorne asked about redaction, and the fact that the content of a message makes the difference in what should/can be redacted was explained to him.
- The SHRAB's focus is on preserving the records and the resources, *not* to make certain that any particular group or agency comes out on top.

Conclusion: A very positive meeting, a good starting place. Now we need to focus on what we want to see happen for the future.

**7. The draft Idaho Association of Cities records legislation was discussed.** Copy was furnished to Linda Morton-Keithley

Robin Wilson – would like to see a side-by-side comparison with the current Idaho Code.

Mary Reed – this [proposed legislation] is concerned with local government – how does this mesh with the [SHRAB] proposal to merge the records center and archival records functions?

Pam Babbitt – Points out the breakdown in Section 5, that mentions state, local, county government. She feels that this is complimentary to the unification proposal because of the language that points out that they would transfer records to the State Archives if they couldn't house them.

Mary R. – What is the connection between this legislation and ISHPACE?

Robin W. – They [the Assoc of Cities] are not connected at all, this is an independent effort. They are also not aware of anything the SHRAB has proposed to the Governor.

Linda M-K – There is no new version of ISHPACE this year, the ISHS has been waiting to see the Association of Cities draft legislation. The Historical Society has been waiting to see this to see if there were any conflicts with ISHPACE.

Pam B – expresses the feeling that this draft legislation is an effort to see that the cities are all treated equally.

**Break for lunch – 11:30 – 1:00 p.m.**

**8. Discussion of the “Preserving Idaho History transmittal letter” or a letter than is an update of the work of the SHRAB.** Duane would like to see the SHRAB issue a letter to Governor with the minutes.

Byron J. - If we send any sort of report, it should include/open with an executive summary.

Robin W. - I won't send this letter out until after the minutes are approved.

**9. Robin Wilson addresses the agenda item referring to ISHPACE legislation**

Linda M-K states that last year's ISHPACE language does not need be considered. Idaho Association of Idaho Cities legislation is the only proposed legislation at this time.

Annette Mooney (Assoc of Idaho Cities (AIC)) joined the meeting.

Annette M. – Gave a history of the city of Boise records, including the fact that the city received an NHPRC grant to start a records program for the city during the period when now Governor Kempthorne was the mayor. They performed an inventory and created a records management guide with a retention schedule at that time. The City has been using a microfilm program for

many years, especially for ordinances, while also keeping a paper version. They are aware of the issues surrounding migration of records from one system to another, but now they are trying to move into digital, or imaged, documents as quickly as possible. As she has worked with the cities, many of them don't have the staff to care for and manage their records. But they have come to some consensus, but they are concerned at the local level, issues about time and personnel.

Robin W. – You have met with the city clerks, but not with the mayors or city managers?

Annette – The mayors and councils have approved the development of this legislation.

Annette agreed, but pointed out that her committee preparing this draft legislation has done a good job of meeting with the critical people. Annette is a member of the Legislative Committee for both the City Clerks' finance organization and for the AIC. The AIC elected official's council of the legislation committee has given them permission to go forward with the legislation.

They want a Records Manual (retention schedule?) that is updated annually. They run a records center – 8000-9000 boxes (?). They are digitizing and producing microfilm and 16 mm.

Q - Pam Babbitt -Which records are being digitized?

Annette – Most records.

Q – Robin W. – How are they handling authentication of electronic records?

Annette - They have a secretary that is responsible for that.

Q- Steve Smylie – (referring to the draft legislation from Ms. Mooney) Where did the definitions come from?

Annette – From New York State and from California legislation

Q - Steve Smylie - What becomes a document, etc, referring to email?

Annette - Records that are developed in-house would be official records.

Annette says that they are making progress, after looking at the recommendations from the 1989 SHRAB report. She would like to see a uniform retention schedule for the cities.

Q- Duane B. – Have you (Annette) looked at the state's Records Guide and retention schedule?

Annette mentioned that she would take another look.

Annette referred to the economies of scale, that there would be problems if all the records went to Boise, since then citizens would have to go to Boise to access records. (Referring to State Archives and the relationship to city records).

The usefulness of dual copies was brought up by someone.

Pam Babbitt – There is also the consideration that elected officials have an autonomy associated with their offices.

Robin W. – That sounds like a difficult description process but one that could be done.

Annette – A records manual (for the cities) would be updated annually. The public records law creates a kind of vulnerability. City of Boise has created a city historian – within the office of the mayor working with Dr. Shallat, public historian at BSU.

Denton Darrington – expressed concerns about related definition questions – for example: “record” and “writing”. He also questioned how the city association definitions apply to records as public property.

Byron J. and Steve Smylie discussed the language of ‘declared public property’.

Would like to come to see some agreement on definitions between the proposed legislation and the public records law and other pieces of Idaho code.

Denton D. and Steve Smylie left at 2:55.

### **10. Duane – Recommendations from Preserving Idaho History**

SW – clarifies – this was a SHRAB report to the Governor and stakeholders from 1989.

A wide-ranging discussion on this subject throughout the day included several points:

- Had anyone on the Board compiled or provided information to Duane about which of the Recommendations from the 1989 report had been completed or satisfied?
  - No.
- Questions:
  - Who is our audience?
    - Both the Governor and the stakeholders (counties, cities, community historical societies, etc.)
  - How should the report be organized?
    - Divide it into prioritized sections
    - Add a records management section
  - Is it a reference manual/guide?
    - Mixed response – no definitive answer. Responses included that it is a guide, another that it is a vision statement of something to work towards.
  - Should we perform a survey of affected parties around the state?
    - As noted earlier, it was agreed that this is premature, but the possibility of using grant money to hire this done was mentioned.

Alan Virta returned about 2:30 from ISHS Board of Trustees. He summarized:

1. State Board of Education is meeting in Lewiston – there is a request in to the SBoE to create a new archivist position (add new FTE).

2. Steve Guerber mentioned the proposal by the Council of State Historical Records Coordinators Alan discussed the meeting with the governor with the Trustees. Just a couple of the Board of Trustees asked “Did it not occur to you to include the ISHS?” He stated that he replied that we [the SHRAB] didn’t feel that we were embarking on a new initiative.

Alan also noted that it seemed that Steve G moderated between the Trustees and him during these questions.

On a more mechanical note – Add Tony Edmondson [ISHS Trustee that they tap for keeping in touch with the SHRAB] to the mailing list.

Next Meeting – Thursday, January 20, 2004 in Boise.

Darrell will check on availability of the ICRM room.

Motion – to adjourn – 3:35 p.m