



HANDBOOK

Ohio County Commissioners

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CHAPTER 131

COUNTY MICROFILMING BOARD

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131.01 INTRODUCTION

As Ohio's county offices are confronted with ever increasing demands for records maintenance and a corresponding decrease in the availability of office and storage space, microfilm offers a practical solution to records storage problems. During 1978, legislation creating ORC sections 307.80 through 307.86 was enacted to permit a board of county commissioners to establish a county microfilming board.

ORC section 9.01 presently allows any county agency that is required by law to record, maintain, or file records to use the microfilming process to preserve or protect records or to reduce storage space. This section also permits county agencies to purchase or rent equipment to make the microfilms or to contract with private entities or other governmental agencies to make copies.

The statutes establishing microfilming boards are modeled after the county automatic data processing (ADP) board statutes contained in ORC sections 307.84 through 307.86. While there are fewer legal citations on microfilming boards, the principles noted in citations discussed in Handbook Chapter 130 are relevant to the county microfilming board.

Since many of the legal rulings pertaining to the county automatic ADP board deal with important issues, including the authority of the county recorder to contract and purchasing procedures, readers are urged to read Handbook Chapter 130 to better understand the probable outcome of similar legal questions related to the microfilming board.

131.02 ESTABLISHMENT AND MEMBERS OF THE BOARD - ORC 307.80.

Any board of county commissioners may establish a county microfilming board by the adoption of a resolution. The county microfilming board consists of the following officials or their representatives:

1. County treasurer.
2. County auditor.

3. Clerk of courts.
4. A member of the board of county commissioners chosen by the board of commissioners.
5. County recorder.

The county recorder, or his or her representative, serves as the secretary of the county microfilming board. The county recorder also serves as the microfilming board's chief administrator, and he or she can employ a deputy.

131.03 MEETINGS OF MICROFILMING BOARD - ORC 307.801.

Once the county microfilming board is established by resolution of the board of county commissioners, the microfilming board is required to hold its first meeting within 90 days. The regular annual meeting of the board occurs on the third Monday of January. Other meetings are held at times determined by the secretary of the board. Any member of the board may request a meeting in writing, and upon receiving such a request, the secretary of the microfilming board must convene a meeting within five days.

131.04 POWERS AND DUTIES OF COUNTY MICROFILMING BOARD - ORC 307.80, 307.801 307.802.

After the initial meeting of the board, no county office can purchase, lease, operate, or contract for, any microfilming equipment, without the approval of the county microfilming board.

This prohibition applies to most county offices. Exceptions include a county hospital, when the hospital uses microfilming equipment to record or store physical and psychiatric examinations or treatment records of its patients. A county hospital would, however, be required to participate in purchasing film and equipment, and in entering into microfilming service contracts, when the county microfilming board requests its participation. ORC section 307.80.

It also is likely that the board of a county educational service center (ESC) and a court of common pleas or a court of appeals, but not a county court, would be exempt from this provision. This is because the Attorney General has issued opinions stating that these entities are exempt from the mandate of using a county ADP board for its automatic data processing services. See OAG 68-105 and OAG 71-085.

A county microfilming board also has the following powers and duties:

1. To coordinate the use of all microfilming equipment in use throughout county offices. ORC section 307.802.
2. To authorize, in writing, any county office to contract for microfilming services or to operate or acquire microfilming equipment, when it is determined that such action is desirable. ORC section 307.802.
3. To establish a county microfilming center that will provide for a centralized system for the use of microfilming by all county offices. ORC section 307.802.

4. To enter into contracts with other local units of government, the state, federal agencies and a variety of special districts, to provide microfilming services. All monies collected by the microfilming board pursuant to these contracts are to be deposited in the county general fund.

However, these monies may be segregated in a special fund in the county treasury until the end of the calendar year. County offices using the board's microfilming services may be charged for those services, and the appropriation of the microfilming board may receive credits consisting of those charges. ORC section 307.806.

5. To establish a schedule of charges to provide microfilming services. ORC section 307.806.
6. To adopt rules and regulations necessary for the operation of the board. Such rules must be adopted by unanimous consent and cannot derogate the authority of any elected official. ORC section 307.801.

131.05 RESPONSIBILITIES OF THE COUNTY RECORDER - ORC 307.804.

The county recorder, as the board's chief administrator, has the following major responsibilities:

1. To supervise the operation of the county microfilming center.
2. To employ a deputy who may supervise the operation of the microfilming center. This appointment is not subject to approval by the county microfilming board.
3. To employ other persons necessary to operate the county microfilming center. These appointments are subject to the approval of the county microfilming board.
4. To fix the compensation of the deputy and all employees of the county microfilming center, subject to the approval of the microfilming board. Salaries and expenses are paid from monies appropriated by the board of county commissioners to the county microfilming board.
5. To adopt any rules that are necessary for the operation of the microfilming center.
6. To submit an annual budget request to the board of county commissioners for the microfilming center, as provided for in ORC section 5705.28.

131.06 ANNUAL REPORT OF COUNTY MICROFILMING CENTER - ORC 307.805.

The county recorder is required to file with the county microfilming board, and with the board of county commissioners, a report of the operations of the microfilming center and a statement of receipts and expenditures for the year. This annual report must be filed on the first Monday of April of each year.

131.07 ABOLITION OF A COUNTY MICROFILMING BOARD

It is a well settled principle of Ohio law that the same authority that creates a public office can at any time abolish it, absent a prohibition against abolishment in state law or in the Constitution. See OAG 77-030. Therefore, as is the case with county ADP boards, a board

of county commissioners has the authority, by resolution, to abolish a county microfilming board that is has created.

However, if a board of county commissioners does abolish a microfilming board, a board of county commissioners may then lack the authority to provide microfilming services to other county offices and agencies. This conclusion is based on the holding of the Campanella case,

131.08 REASONS FOR ESTABLISHING A MICROFILMING PROGRAM

Records in the possession of a county office or agency generally are microfilmed for two reasons:

1. To provide security for those records that contain vital information, the loss of which would cause disruption in the business of county government.
2. To use a microfilm document as the record copy of a document, in accordance with ORC section 9.01, instead of using a paper copy as the record document.

The first reason is not intended to save money and is done as an insurance policy against the loss or damage of records of enduring legal and/or historical value. The second reason can be a money saver if approached with careful planning.

Since storage space in most counties is at a premium, most older records are going to have to be converted to microfilm or another medium, unless new storage space can be secured. If a vital records microfilm program has been established in a county, many older records that have been converted to microfilm can be moved to inactive storage centers or archival repositories, or destroyed.

131.09 ADVANTAGES OF MICROFILM

As with anything, there are pluses and minuses with microfilm. The positive aspects of microfilm are:

1. Vital records filmed and stored properly provide more than adequate security against loss, damage, or theft. In fact, master negative microfilm stored under archival conditions can last up to 500 years.
2. With the costs of storage, office equipment, and labor rising each year, judicious use of film to reduce hard paper copy can result in cost savings and can more than cover the long term costs of the microfilm and equipment.
3. Widespread use can be made of records on film since many copies can be made at low cost from the master negative. These copies can then be provided to researchers, libraries, and historical societies across the state and nation.

131.10 DISADVANTAGES OF MICROFILM

Disadvantages of microfilm include the high initial cost for equipment and services. Any government agency using microfilm as its official record must have a reader-printer to make copies of the record available. See ORC sections 9.01 and 149.43. However, careful shopping and buying of equipment that is simple in design and operation can reduce these costs.

Another problem is that, at times, it is necessary to send the original record to be processed and filmed, thus leaving the office without the record for a short time. This could cause a temporary disruption of services.

Establishing a microfilm program can be a valuable asset to any county in terms of providing security and helping to reduce operating costs by saving equipment, space, and time. It can also make access to public records easier.

While the cost of establishing a microfilm program is initially high, an effectively managed and wisely used program can increase efficiency and reduce overall operating costs.

131.11 DIGITAL IMAGING AS A FORM OF RECORD-KEEPING

Computer technologies have revolutionized and enhanced the way that counties and other units of government create, use, access and store records. Increasingly, counties in Ohio are opting to scan their records and store those records as digital images.

If a county office decides to retain records in electronic format permanently or for any considerable length of time, it is the office's responsibility to ensure that these records remain reliable, authentic and accessible for the duration of the required record retention period.

Changes in the field of digital image records are rapid and constant. Because there are no standards in existence for ensuring the long-term readability and survivability of digital images, it is nearly impossible to predict whether these records will be readable and retrievable in the future. For this reason, the destruction of original records should always be considered with extreme caution.

The Ohio Historical Society, which administers the state archives of Ohio, recommends that each government office in the state maintain an "eye-readable backup" of any records of permanent value that have been digitally-imaged for electronic storage. Eye-readable records are defined as "records that do not require the use of computer software or hardware to decode the information stored on them." Paper and microfilm are the most common examples of eye-readable records.

131.12 OHIO HISTORICAL SOCIETY - LOCAL GOVERNMENT RECORDS PROGRAM

The Ohio Historical Society, through its Local Government Records Program, offers advice to counties on the purchase of equipment, supplies, and services and can help set up an effective centralized microfilming operation for the county. Guidelines for the use of microfilm are contained in the *Ohio County Records Manual*.

More information may be obtained on the Local Government Records Program by calling 614-297-2553 or 1-800-510-9676 or via email at localrecs@ohiohistory.org