

2/1/72

Memorandum 72-14

Subject: Microfilming Original Minutes

We have obtained an opinion from the appropriate state officer that microfilming of our original Minutes is not required. See the attached correspondence.

Unless the Commission determines otherwise, I do not plan to have the Minutes microfilmed.

Respectfully submitted,

John H. DeMouly
Executive Secretary

State of California

Memorandum

To : John H. DeMouly
Executive Secretary
California Law Revision Commission
School of Law - Stanford University
Stanford, Calif. 94305

Date : January 21, 1972

File No.:

From : Robert C. Woodall, Chief *RCW*
Department of General Services
STATE RECORDS SERVICE DIVISION

Subject: Microfilming Original Minutes

Section 1632 of the State Administrative Manual was recently amended to provide for the microfilming of original minutes of state boards and commissions. This section also provides for the permanent preservation of the film in a vital records facility. You will notice, however, that these provisions are permissive, not mandatory. The intent of Section 1632 is to insure that original minutes are preserved for future reference and research and that they are adequately protected from loss due to natural or man-made disasters.

The procedure outlined in your January 18 letter for the dissemination, publishing, and storing of your Commission minutes clearly provides adequate protection for the records. Therefore, it is my opinion that microfilming is not required.

Please let me know if you have further questions.

RCW/pl

January 18, 1972

Management Assistance Division
915 Capital Mall, Room 386
Sacramento, California 95814

Gentlemen:

We note that Section 1632 of the State Administrative Manual, dealing with "Official Minutes," states that, "The original minute record should be microfilmed and copies stored in a vital records storage facility." It is the purpose of this letter to determine whether the minutes of the California Law Revision Commission must be microfilmed or whether the Commission can avoid this requirement.

The function of the Law Revision Commission is to prepare recommendations to the Legislature. The minutes of Commission meetings consist almost exclusively of a record of the work of the Commission on the various topics that the Legislature has authorized the Commission to study. Each month, various staff drafts are considered by the Commission, and the minutes reflect the Commission's decisions and its suggestions as to revisions to be made in the revised drafts that will be considered at the next meeting. Ultimately, when the Commission has prepared its recommendation to the Legislature, the recommendation is published. The volumes in which the published recommendations are contained are available in most county law libraries, many university and college libraries, and in various other state and local agencies as well as in the offices of some attorneys.

There are a few instances where some action is taken by the Commission--such as the approval of a contract or lease--and this action is recorded in the minutes. In these cases, of course, a certified extract of the pertinent portion of the minutes is attached to the contract or lease.

For each monthly meeting, the minutes themselves generally run from 15 to 30 pages but may consist of as many as 160 pages. In addition to the actual minutes, it is necessary to have the materials considered at the meeting because the minutes often refer to those materials

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and indicate the action taken with respect to them without setting out the text of the material that was approved or disapproved. For each meeting, we prepare and preserve in a folder in our office a copy of the minutes and all the materials considered by the Commission at that meeting (these folders are generally about 1-1/2 inches thick but often measure up to 3 or 3-1/2 inches). This same material is provided to and, we understand, maintained by the California State Library (two complete sets) and the Los Angeles County Law Library.

If possible, we would like to avoid the cost of microfilming our minutes. They have no value as legal instruments or management aids, and the decisions they contain are essentially tentative or temporary; the Commission's final decisions and recommendations are contained in its printed publications.

Would you please advise us whether we must microfilm our minutes. If so, what would be the cost per page and the procedure to be followed?

Sincerely,

John H. DeMouly
Executive Secretary

JHD:aj