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Disaster Preparedness

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Disaster Preparedness

Reference Number: CTAS-203

Disasters. By their very nature, they are unexpected events. Severe weather, earthquakes, floods, or fire can strike anywhere at anytime with little or no warning. Disasters can irreparably change individual lives, halt the normal commerce of business and industry, and, as the tornado in Montgomery County in 1999 violently demonstrated, disasters can even disrupt the operation of government.

With all the ancient and venerable courthouses still standing in our state, you might consider it a rare occurrence for county government offices to be seriously damaged. But consider this telling statistic: Tennessee's neighbor to the South, Georgia, has had more than 100 courthouse fires in the course of the history of that state.^[1]

The occurrence of disasters cannot be eliminated, but they can be prepared for and their impact can be lessened. Tragedies such as the devastation to downtown Clarksville by the tornado that struck there only highlight the importance of having a good disaster recovery plan in place. Even though a number of county offices were damaged or destroyed by the storm, they were able to recover, relocate, and return to providing services to the residents of Montgomery County in a remarkably short time. Their ability to do so was at least as attributable to planning, preparation, and procedures in place before the storm as it was by emergency responses after the fact.

In order to lessen the impact of a disaster, there are two things every county should do.

1. The county should develop a disaster contingency plan.
2. The county should institute a vital records protection program.

^[1] *Protecting Records—A Guide for Local Governments*, by Harmon Smith, issued by the National Association of Government Archives and Records Administrators (published March 1992), p. 6.

Contingency Plans

Reference Number: CTAS-1212

Contingency plans should be detailed and instructive and address the specific needs of every office of county government. They should anticipate the various types of disasters your county might face. Response to a flood will be different from response to a fire or earthquake or tornado. In addition to furnishing officials and staff members with copies of the plan, duplicates of the plan should also be stored off-site in case of disasters of truly catastrophic proportions. The best recovery plan will do no good if the only copy is locked inside a file cabinet in an office that is burning down.

A good disaster contingency plan will

- Designate who is in charge of recovery operations and who will be working on recovery teams. It should include all necessary information for contacting these people at any hour of the day or night;
- Anticipate the types of disaster the county may face and provide basic instructions for the first responders to an emergency to ensure that everything possible is done to minimize damage and preserve the safety of individuals responding to the disaster (e.g. evacuation plans, directions for shutting off electrical current in case of a flood, locations of shut-off valves in case of a broken water line);
- Include an inventory of supplies and equipment that are available for use in salvage efforts. The inventory should identify locations of important supplies and equipment—everything from heavy machinery to fire extinguishers to mops and buckets;
- Identify alternative office space and other facilities which might be used if the county needs temporary space for relocation or salvage operations;
- Include current contact information for experts in emergency management like TEMA, FEMA, and other governmental entities, plus commercial entities that can provide expertise in recovery and salvage if the disaster is too large for the county to handle by itself; and
- Have a plan for acquiring replacement office equipment and supplies quickly and efficiently. This will be especially essential if computer equipment was damaged in the disaster.

Vital Records Protection

Reference Number: CTAS-1213

A companion to the disaster contingency plan is the vital records protection program. People can be evacuated; office space and supplies can be replaced. But the records of a local government are one of its most vital and vulnerable resources. If steps have not been taken to protect important records prior to a disaster, the resumption of regular operations after a disaster will be far more difficult and costly.

Whereas a contingency plan will provide instructions on how to respond immediately after a disaster, a vital records protection plan will inform government offices on the ongoing steps that should be regularly practiced in order to preserve the important information of the office. Records protection plans will vary depending on the volume and format of the records to be protected, the resources available to the county, and the technology present in offices. Any plan should, at a minimum, provide procedures for identifying, duplicating, and safeguarding vital records.

No office can afford to expend the amount of resources it would take to ensure the protection of every record in the office. For that reason, it is important to determine which records are truly vital and which are not.

Records management experts have divided records into four classes—

1. Nonessential records - those that if lost would not really be missed. Most convenience files, internal memos, and many routine papers of completed transactions fall into this category.
2. Useful records - records containing information which if lost would cause some difficulty but which could be easily replaced.
3. Important records - those records that cannot be dispensed with and that can be replaced only through the expenditure of substantial time, money, or manpower.
4. Vital records - those records which are essential and cannot be replaced. Vital records contain information essential to the continuity of operations or to the protection of the rights of the government or of individual citizens.^[1]

Begin by protecting those records that are indispensable. Since you cannot anticipate and prevent every possible disaster, the best course of action is to make sure there are off-site archival quality^[2] copies of the county's most important records.

If some records are stored in electronic format, state laws require that certain back-up procedures are followed to prevent loss of data. For obvious reasons tape or disk backups of electronic data should not be stored in the same location as the computer system itself. While less fragile than electronic records, paper records and microfilm also must be properly stored and cared for in order to prevent destruction of the records in the event of a disaster or from the ravages of time. Wherever possible, a county should archive its permanent records in a location or facility that is designed for records preservation.

If you need assistance in developing these plans for your county, both CTAS and the Tennessee State Library and Archives can help. Copies of disaster contingency plans and other publications on records protection are available upon request from Tennessee State Library and Archives.

Recovery of Stolen or Misappropriated Records

While it usually does not reach disastrous proportions, there are also certain human behaviors that you need to be prepared to respond to. If records are inappropriately removed from the office where they belong, the official who has custody of the records is not without remedy. Of course, criminal theft charges can be brought against someone who steals county documents. But what may prove to be a more practical remedy is to pursue an action to recover personal property.^[3] This action, also known as replevin, is a judicial proceeding whereby property that is in the wrong hands can be returned to the rightful owner or custodian. It is initiated by filing a complaint in the circuit or chancery court or by causing a warrant to issue in the general sessions court.^[4] Ultimately, the proceeding may result in the issuance of a writ of possession that directs the proper officer to take the property from the defendant and return it to the plaintiff.^[5] If you need to pursue such an action to recover misappropriated county records, contact the county attorney.

^[1] *Protecting Records—A Guide for Local Governments*, by Harmon Smith, issued by the National Association of Government Archives and Records Administrators (published March 1992), p. 3.

[2] According to the Tennessee State Library and Archives, the only media that will assure long-term survival of vital records are carbon-based ink on acid neutral paper and archival quality silver gelatin microfilm created and kept under conditions that meet archival standards. See Tennessee Archives Management Advisory 99-07.

[3] See T.C.A. §§ 29-30-101, *et seq.*

[4] T.C.A. § 29-30-103.

[5] T.C.A. § 29-30-107.

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