

Agency Function and Records Summary

County Clerk's Office

The office of the county court clerk was first created when Kentucky was part of the Commonwealth of Virginia. When Kentucky became a state in 1792 the first constitution of Kentucky provided for the appointment of the county clerk by the county court. The clerk's duties included collecting taxes, creating a list of persons and property for tax purposes, receiving, and acknowledging deeds in and out of county court, administering oaths and performing other duties. The third constitution was adopted in 1850, and it made the county court clerk an elective office and their duties expanded to include licensing of businesses, recorded property records (deeds) and all public moneys received to the circuit court. Most of their duties were for the courts. Under the present constitution (1891) the county court clerk has taken on many duties. Those include elections, recording of deeds, mortgages, liens, collecting delinquent tax, marriage licensing, probate (recording of wills and maintaining the original will), motor vehicle licensing, recording certain UCC filings, administering oaths, recording incorporations, and other duties. The county court clerks can choose to be the clerk of the fiscal court.

Revisions to the Schedule

Changes in retention:

- Series L3167, Place of Entertainment Permit File

Current Retention: Retain 5 years after the place of entertainment ceases to exist or permit is denied and audit

Proposed Retention: Retain for five (5) years after permit denial, closure of business, or revocation or forfeiture of permit, whichever is first, and audit, then destroy.

Rationale: Updated for clarification. Retention meets administrative and legal need.

- Series L3168, Transient Merchant Permit File

Current Retention: Retain one (1) year, then destroy after audit.

Proposed Retention: Retain approved applications and permits for one (1) year after business is concluded and audit, then destroy. Retain denied applications for one (1) year, then destroy.

Rationale: Updated for clarification. Retention meets administrative and legal need.

- Series L1524, Appointment of Special Officers Application File

Current Retention: Retain 2 years. Destroy after audit

Proposed Retention: Retain for two (2) years after commission or appointment ends and audit, then destroy.

Rationale: Updated for clarification.

Closed Series with administrative changes:

- Series L1535, Memoranda from County Attorneys
- Series L1520, Dog Warden Records
- Series L1521, Special Permits
- Series L1513, Coroner Records
- Series L1225, Road Records File

Closed Series with changes in retention:

- Series L1523, Roadhouse Permits

New Series and Retention: Series L3167, Place of Entertainment Permit File (County Clerk Schedule). Retain for five (5) years after permit denial, closure of business, or revocation or forfeiture of permit, whichever is first, and audit, then destroy.

- Series L6930, Oaths of Appointed Officials

New Series and Retention: Series L6963, Oath of Office (General Schedule). Retain Permanently.

- Series L1538, Stray (Estray) Book

New Series and Retention: Series L6306, Officer Run File (General Schedule). Retain for two (2) years, then destroy.

Staff also made administrative changes to two (2) series without changing retention or disposition:

- Series L2931, Record of Name Change
- Series L6646, Oath of Office Certification File

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**LOCAL AGENCY RECORDS
RETENTION SCHEDULE**

LOCAL GOVERNMENTS
County/Local: County Clerk

Series	Records Title and Description	Function and Use
L1520	Dog Warden Records	Closed series - These records are no longer submitted to the County Clerk and are covered under series located in the Public Safety - Animal Services section of the General Schedule. This record series documents activities of a county dog warden or dog catcher.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Name of warden, date, activity, dogs caught, returned, or killed, and other relevant information.
	Retention and Disposition	Retain for two (2) years, then destroy.
L1523	Roadhouse Permits	Closed series - this record is included in series L3167, Place of Entertainment Permit File. This record series documents the issuance of permits to run roadhouses.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Name of person(s), name of establishment, date, address, operation, and other relevant information.
	Retention and Disposition	Retain for five (5) years after closure of business, forfeiture of permit, or permit denial, whichever is first, and audit, then destroy.
L2931	Record of Name Change (V)	This record series represents name change orders. A District, Family, or Circuit Court may order that a person's name be changed; a copy of the order must be certified by the clerk of that court to the county clerk for recording (KRS 401.040). These records may be found with Miscellaneous Records (L1753) or with Fiscal Court or Judge Executive orders (L1218, L1503, L1505, L1506, L2577).
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Certified copy of order, copy of petition, affidavit, motion, or other relevant information.
	Retention and Disposition	Retain permanently.

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County/Local: County Clerk

Series	Records Title and Description	Function and Use
L3167	Place of Entertainment Permit File	This record series documents the permit process to operate a place of entertainment in a county (outside the corporate limits of a city) as required by KRS 231. Applications are submitted to the county clerk and advertised pursuant of KRS Chapter 424. Within thirty (30) days, the county attorney will file a written report documenting an investigation of the application to both the judge/executive and county clerk. After the thirty (30) days from application filing have expired, a hearing will be held by the judge/executive and a decision to issue or deny the permit will be made. Places of entertainment may include roadhouses, places offering drinks (both intoxicating and non-intoxicating), tourist camps, places to engage in games or amusements (pool halls, arcades, etc.), fortune telling venues (soothsayers, mediums, clairvoyants, palmists, etc.), and others.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Application (name of owner, location of place, occupation of owner or manager), deposit, county attorney's investigation report, permit number, date filed, judge/executive decision, and other relevant information.
	Retention and Disposition	Retain for five (5) years after permit denial, closure of business, or revocation or forfeiture of permit, whichever is first, and audit, then destroy.
L3168	Transient Merchant Permit File	This record series documents the permit process for transient merchants as outlined in KRS 365-695. A transient merchant is a person or business who conducts business in one locality or travels the state selling goods and merchandise while spending less than six (6) months in a locality each year. Transient merchants must file an application and obtain a permit in each county in which the merchant desires to transact business at least ten (10) days prior to transacting business. A copy of approved applications is forwarded to the Department of Revenue (04841, Temporary Vendor's Sales Tax Permit File) and the Attorney General, Office of Consumer Protection (04168, Registration File).
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Application (Form 51A250), permit fee, permit (detachable from application), correspondence, and other relevant information.
	Retention and Disposition	Retain approved applications and permits for one (1) year after business is concluded and audit, then destroy. Retain denied applications for one (1) year, then destroy.

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Series	Records Title and Description	Function and Use
L1521	Special Permits	Closed series - this record is included in series L6647, Special Permits (General Schedule). This record series documents the application for permits for events that will be taking place in the public arena. Examples are parades, festivals, temporary retail outlets and others.
	Access Restrictions	None
	Series May Contain	This record series may contain: Name of applicant, description of activity, date and signature.
	Retention and Disposition	Retain two (2) years, then destroy after audit.
L6646	Oath of Office Certification File	This record series documents the certification that oaths of office have been administered. The certification statement is completed by the individual administering the oath and is then filed with the county clerk, as required in KRS 62.020. Oaths to be filed are for those elected to countywide office or office for a district within the county, including cities and special districts and for appointed officials.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Certified copy of order, copy of petition, affidavit, motion, or other relevant information.
	Retention and Disposition	Retain permanently.
L6930	Oaths of Appointed Officials	Closed series - this record is included in series L6963, Oath of Office (General Schedule). This record series documents oaths of appointed officials. Appointed official oaths may include the following officials: Deputy Sheriffs, Deputy County Clerks, Police Chiefs, Police Officers, Fire Chiefs, Deputy Firefighters, Planning and Zoning Board members appointed by Fiscal Court, Special Taxing Districts Board members, etc.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	This record series may contain: Name of the person administering the oath, date taken, name of person taking the oath, office, signature of both parties and certification.
	Retention and Disposition	Retain for one (1) year after appointment terminates, then destroy.

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Series	Records Title and Description	Function and Use
L1225	Road Records File	<p>Closed series - this record is no longer created or are included as part of other series.</p> <p>This record series documents roads under the control of the county and include road petitions (petitions submitted calling for maintenance or new road), road orders (orders by the legislative body for road maintenance or improvement), boundaries of roads (descriptions and drawings of county roads), county road surveys or maps, turnpike records, and viewer's reports (reports from persons viewed roads to determine needs).</p> <p>Access Restrictions Agency should contact legal counsel regarding open records matters.</p> <p>Series May Contain Maps, surveys, descriptions of roads, boundaries of roads, description of land adjacent to road, names of viewers and surveyors, dates, and other relevant information.</p> <p>Retention and Disposition Retain Permanently.</p>
L1513	Coroner Records	<p>Closed series - The Kentucky Coroner's Act of 1978 standardized coroner procedures with reporting requirements of coroner offices and to various state agencies, including Office of Vital Statistics and Kentucky State Police. These records are no longer submitted to the County Clerk and are covered by the County Coroner Schedule.</p> <p>This record series documents original reports from the county coroner, including inquests into questionable or suspicious deaths.</p> <p>Access Restrictions Agency should contact legal counsel regarding open records matters.</p> <p>Series May Contain Summons (name of summoned, date of appearance, place of appearance, name of deceased), inquest information (place, date, deceased information), findings, witness information, or other relevant information.</p> <p>Retention and Disposition Retain permanently.</p>

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L1524	Appointment of Special Officers Application File	This record series documents appointments of Special Law Enforcement Officers (SLEO) and Special Local Peace Officers (SLPO). A SLEO, appointed by the Justice and Public Safety Cabinet (JPSC), is a commission issued to an individual to perform special law enforcement duties on public property. A SLPO is an agent appointed by the Governor at times deemed necessary to preserve the peace and protect property from waste or destruction. Applicants will be approved by the JPSC and Governor's office and then sent to the county clerk to be sworn in and photograph and affidavit filed (KRS 61.360).
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Application, application materials, oath (as provided by state), bond, renewal application, photograph, affidavit, and other relevant information.
	Retention and Disposition	Retain for two (2) years after commission or appointment ends and audit, then destroy.
L1535	Memoranda from County Attorneys	Closed series - These records are no longer submitted to or created by the County Clerk. This record series documents memoranda from a county attorney to file petitions, file exhibits, or issues processes on cases to be tried before the County Court.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	Memorandum number, case number, date, parties involved, attorney information, actions taken, and other relevant information.
	Retention and Disposition	Retain permanently.
L1538	Stray (Estray) Book	Closed series - this record is included in series L6306, Officer Run File (General Schedule). This record series is used to document the strayed animals reported to the County Sheriff by finders of said animals.
	Access Restrictions	Agency should contact legal counsel regarding open records matters.
	Series May Contain	This record series may contain the name and address of finder; description and worth of stray; where found.
	Retention and Disposition	Retain for two (2) years, then destroy.