

CITY OF BALTIMORE
ORDINANCE **20.407**
Council Bill 20-0496

Introduced by: The Council President
At the request of: The Administration (Department of Legislative Reference - Archives Division)
Introduced and read first time: February 24, 2020
Assigned to: Equity and Structure Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 5, 2020

AN ORDINANCE CONCERNING

- 1 **Records Management – Modernizing, Correcting, and Conforming**
- 2 FOR the purpose of repealing and replacing City Code provisions regarding Baltimore City
3 records management program to conform to State law requirements and to reflect modern
4 practices in records management; establishing the position of City Records Management
5 Officer to coordinate citywide records management; setting forth certain duties of the City
6 Records Management Officer; requiring City agencies to provide certain cooperation to the
7 City Records Management Officer; providing for the manner of the proper disposal of certain
8 City records; defining certain terms; and generally relating to the management of the records
9 of Baltimore City government.
- 10 BY repealing
11 Article 1 - Mayor, City Council, and Municipal Agencies
12 Subtitle 10. City Records, in its entirety
13 Baltimore City Code
14 (Edition 2000)
- 15 BY repealing
16 Article 1 - Mayor, City Council, and Municipal Agencies
17 Subtitle 11. City Archivist and Records Management Officer, in its entirety
18 Baltimore City Code
19 (Edition 2000)
- 20 BY adding
21 Article 1 - Mayor, Council, and Agencies
22 Section(s) 10-1 to ~~10-12~~ 10-11, to be under the new subtitle,
23 “Subtitle 10. Records Management”
24 Baltimore City Code
25 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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1 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That
2 City Code Article 1, Subtitle 10 {"City Records"} and City Code Article 1, Subtitle 11 {City
3 Archivist and Records Management Officer"}, are repealed, in their entireties.

4 SECTION 2. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as
5 follows:

6 Baltimore City Code

7 Article 1. Mayor, City Council, and Municipal Agencies

8 Subtitle 10. RECORDS MANAGEMENT

9 § 10-1. DEFINITIONS.

10 (A) *IN GENERAL.*

11 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

12 ~~(B) *AFFILIATED ENTITY.*~~

13 ~~"AFFILIATED ENTITY" MEANS A GOVERNMENTAL OR QUASI-GOVERNMENTAL UNIT~~
14 ~~MANAGED OR FUNDED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, INCLUDING:~~

15 ~~(1) BALTIMORE CITY PARKING AUTHORITY~~

16 ~~(2) BALTIMORE CITY BOARD OF LIQUOR LICENSE COMMISSIONERS;~~

17 ~~(3) BALTIMORE DEVELOPMENT CORPORATION;~~

18 ~~(4) BALTIMORE POLICE DEPARTMENT;~~

19 ~~(5) ENOCH PRATT FREE LIBRARY OF BALTIMORE CITY;~~

20 ~~(6) HOUSING AUTHORITY OF BALTIMORE CITY;~~

21 ~~(7) LOCAL DEVELOPMENT COUNCIL, SOUTH BALTIMORE VIDEO LOTTERY—~~
22 ~~TERMINAL;~~

23 ~~(8) PIMLICO COMMUNITY DEVELOPMENT AUTHORITY; AND~~

24 ~~(9) SOUTH BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT MANAGEMENT~~
25 ~~AUTHORITY.~~

26 ~~(B) *(C) AGENCY.*~~

27 "AGENCY" MEANS ANY DEPARTMENT, BOARD, COMMISSION, COUNCIL, AUTHORITY,
28 COMMITTEE, OFFICE, OR OTHER UNIT OF CITY GOVERNMENT IN EITHER THE EXECUTIVE OR
29 LEGISLATIVE BRANCHES, INCLUDING ALL ELECTED OFFICIALS ~~OR OF ANY AFFILIATED~~
30 ~~ENTITY.~~

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1 (C) ~~(D)~~ INCLUDES; INCLUDING.

2 "INCLUDES" OR "INCLUDING" MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
3 LIMITATION.

4 (D) NON-PERMANENT RECORD.

5 (1) IN GENERAL.

6 "NON-PERMANENT RECORD" MEANS A PUBLIC RECORD WITH TEMPORARY VALUE THAT
7 MAY BE DESTROYED AFTER THE PASSAGE OF A SPECIFIED PERIOD OF TIME.

8 (2) INCLUSIONS.

9 "NON-PERMANENT RECORD" INCLUDES:

10 (I) EXTRA COPIES OF DOCUMENTS THAT:

11 (A) HAVE NO SEPARATE ADMINISTRATIVE PURPOSE OR VALUE; AND

12 (B) ARE PRESERVED ONLY FOR CONVENIENCE OR REFERENCE;

13 (II) INFORMATIONAL COPIES OF CORRESPONDENCE, DIRECTIVES, FORMS, OR OTHER
14 SIMILAR DOCUMENTS ON WHICH NO ADMINISTRATIVE ACTION IS RECORDED OR
15 TAKEN;

16 (III) LIBRARY AND MUSEUM MATERIALS MADE OR ACQUIRED FOR REFERENCE OR
17 EXHIBITION PURPOSES;

18 (IV) PERSONAL PAPERS OR PAPERS OF A PRIVATE OR NON-OFFICIAL CHARACTER
19 THAT PERTAIN TO AN INDIVIDUAL'S PRIVATE AFFAIRS;

20 (V) DUPLICATE COPIES OF DOCUMENTS MAINTAINED IN THE SAME FILE;

21 (VI) EXTRA COPIES OF PRINTED OR PROCESSED MATERIALS FOR WHICH COMPLETE
22 RECORD SETS EXISTS, INCLUDING CURRENT AND SUPERCEDED MANUALS
23 MAINTAINED OUTSIDE THE AGENCY RESPONSIBLE FOR MAINTAINING THE
24 MANUAL;

25 (VII) CATALOGS, TRADE JOURNALS, AND OTHER PUBLICATIONS RECEIVED FROM
26 GOVERNMENT AGENCIES, COMMERCIAL FIRMS, OR PRIVATE INSTITUTIONS THAT
27 REQUIRE NO FURTHER ACTION BY THE AGENCY; OR

28 (VIII) PHYSICAL EXHIBITS, ARTIFACTS, AND OTHER MATERIAL OBJECTS LACKING
29 EVIDENTIAL VALUE.

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1 (E) RECORD.

2 (1) IN GENERAL.

3 "RECORD" MEANS ANY DOCUMENTARY MATERIAL IN ANY FORM CREATED OR
4 RECEIVED BY AN AGENCY IN CONNECTION WITH THE TRANSACTION OF PUBLIC
5 BUSINESS.

6 (2) INCLUSIONS.

7 "RECORD" INCLUDES:

8 (I) WRITTEN MATERIALS, EMAIL, BOOKS, PHOTOGRAPHS, PHOTOCOPIES,
9 PUBLICATIONS, FORMS, MICROFILMS, TAPES, COMPUTERIZED RECORDS, MAPS,
10 DRAWINGS, AND OTHER MATERIALS IN ANY FORMAT; AND

11 (II) DATA GENERATED, STORED, RECEIVED, OR COMMUNICATED BY ELECTRONIC
12 MEANS FOR USE BY, OR STORAGE IN, AN INFORMATION SYSTEM OR FOR
13 TRANSMISSION FROM ONE INFORMATION SYSTEM TO ANOTHER; AND

14 (III) NON-PERMANENT RECORDS.

15 (3) ~~EXCLUSIONS.~~

16 "RECORD" DOES NOT INCLUDE:

17 (I) ~~EXTRA COPIES OF DOCUMENTS THAT:~~

18 (A) ~~HAVE NO SEPARATE ADMINISTRATIVE PURPOSE OR VALUE; AND~~

19 (B) ~~ARE PRESERVED ONLY FOR CONVENIENCE OR REFERENCE;~~

20 (II) ~~INFORMATIONAL COPIES OF CORRESPONDENCE, DIRECTIVES, FORMS, OR OTHER~~
21 ~~SIMILAR DOCUMENTS ON WHICH NO ADMINISTRATIVE ACTION IS RECORDED OR~~
22 ~~TAKEN;~~

23 (III) ~~LIBRARY AND MUSEUM MATERIALS MADE OR ACQUIRED FOR REFERENCE OR~~
24 ~~EXHIBITION PURPOSES;~~

25 (IV) ~~PERSONAL PAPERS OR PAPERS OF A PRIVATE OR NON-OFFICIAL CHARACTER~~
26 ~~THAT PERTAIN TO AN INDIVIDUAL'S PRIVATE AFFAIRS;~~

27 (V) ~~DUPLICATE COPIES OF DOCUMENTS MAINTAINED IN THE SAME FILE;~~

28 (VI) ~~EXTRA COPIES OF PRINTED OR PROCESSED MATERIALS FOR WHICH COMPLETE~~
29 ~~RECORD SETS EXISTS, INCLUDING CURRENT AND SUPERCEDED MANUALS~~
30 ~~MAINTAINED OUTSIDE THE AGENCY RESPONSIBLE FOR MAINTAINING THE~~
31 ~~MANUAL;~~

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1 ~~(VII) CATALOGS, TRADE JOURNALS, AND OTHER PUBLICATIONS RECEIVED FROM~~
2 ~~GOVERNMENT AGENCIES, COMMERCIAL FIRMS, OR PRIVATE INSTITUTIONS THAT~~
3 ~~REQUIRE NO FURTHER ACTION BY THE AGENCY; OR~~

4 ~~(VIII) PHYSICAL EXHIBITS, ARTIFACTS, AND OTHER MATERIAL OBJECTS LACKING~~
5 ~~EVIDENTIAL VALUE.~~

6 (F) *RECORD INVENTORY.*

7 "RECORD INVENTORY" MEANS A SURVEY OF ALL RECORDS SERIES MAINTAINED BY AN
8 AGENCY RESULTING IN A DETAILED, ITEMIZED COMPILATION OF THE RECORDS IN THE
9 POSSESSION OF THAT AGENCY.

10 (G) *RETENTION PERIOD.*

11 "RETENTION PERIOD" MEANS THE PERIOD OF TIME THAT A RECORD MUST BE RETAINED IN
12 ACCORDANCE WITH AN APPROVED RECORDS RETENTION AND DISPOSITION SCHEDULE.

13 (H) *STATE ARCHIVIST.*

14 "STATE ARCHIVIST" MEANS THE INDIVIDUAL APPOINTED UNDER MARYLAND STATE
15 GOVERNMENT ARTICLE, § 9-1005, OR THAT INDIVIDUAL'S DESIGNEE.

16 **§ 10-2. MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.**

17 (A) *MANDATORY TERMS.*

18 "MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT
19 OR TO IMPOSE A DUTY.

20 (B) *PROHIBITORY TERMS.*

21 "MAY NOT" AND "NO ... MAY" ARE EACH MANDATORY NEGATIVE TERMS USED TO
22 ESTABLISH A PROHIBITION.

23 (C) *PERMISSIVE TERMS.*

24 "MAY" IS PERMISSIVE.

25 **§§ 10-3 TO 10-4. {RESERVED}**

26 **§ 10-5. CITY RECORDS MANAGEMENT OFFICER: IN GENERAL.**

27 THERE IS A CITY RECORDS MANAGEMENT OFFICER APPOINTED BY THE DIRECTOR OF THE
28 DEPARTMENT OF LEGISLATIVE REFERENCE.

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1 § 10-6. CITY RECORDS MANAGEMENT OFFICER: DUTIES.

2 (A) *IN GENERAL.*

3 THE CITY RECORDS MANAGEMENT OFFICER SHALL DIRECT THE DEVELOPMENT AND
4 ADMINISTRATION OF A CONTINUING RECORDS MANAGEMENT, ARCHIVAL, AND DISPOSAL
5 PROGRAM FOR THE RECORDS OF ALL CITY AGENCIES.

6 (B) *SPECIFIC DUTIES.*

7 THE CITY RECORDS MANAGEMENT OFFICER MUST:

- 8 (1) ESTABLISH STANDARDS, PROCEDURES, AND TECHNIQUES FOR THE EFFECTIVE
9 MANAGEMENT OF CITY RECORDS;
- 10 (2) PREPARE, FOR THE APPROVAL OF THE STATE ARCHIVIST, RECORD RETENTION AND
11 DISPOSITION SCHEDULES PROVIDING FOR:
- 12 (I) THE RETENTION OF CITY AND AGENCY RECORDS OF CONTINUING VALUE FOR
13 A SPECIFIC RETENTION PERIOD; ~~AND~~
- 14 (II) THE ORDERLY DISPOSAL OF CITY AND AGENCY RECORDS NO LONGER
15 POSSESSING SUFFICIENT ADMINISTRATIVE, LEGAL, FISCAL, OR HISTORICAL
16 VALUE TO WARRANT FURTHER PRESERVATION; AND
- 17 (III) THE IDENTIFICATION AND PRESERVATION OF RECORDS NO LONGER NEEDED
18 BY AN AGENCY THAT ARE OF HISTORICAL SIGNIFICANCE;
- 19 (3) REVIEW ALL PROPOSALS FOR THE DIGITIZATION OF RECORDS, WHETHER OR NOT
20 THE ULTIMATE DESTRUCTION OF THE ORIGINAL RECORD IS INVOLVED;
- 21 (4) ASSIST AGENCY HEADS IN THE PREPARATION OF AGENCY RECORD INVENTORIES;
- 22 (5) PERIODICALLY INSPECT RECORDS AND RECORDS MANAGEMENT PRACTICES OF
23 AGENCIES; AND
- 24 (6) ORGANIZE AND ADMINISTER A CITY RECORDS STORAGE CENTER OR CENTERS FOR
25 THE CITY'S INACTIVE AND HISTORICAL RECORDS.

26 (C) *RULES AND REGULATIONS.*

27 (1) *IN GENERAL.*

28 THE CITY RECORDS MANAGEMENT OFFICER MUST ADOPT RULES AND REGULATIONS
29 TO CARRY OUT THIS SUBTITLE.

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1 (2) *FILING WITH LEGISLATIVE REFERENCE.*

2 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE
3 FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE
4 EFFECT.

5 **§§ 10-7 TO 10-8. {RESERVED}**

6 **§ 10-9. DUTIES OF AGENCIES.**

7 EACH AGENCY HEAD MUST:

8 (1) DESIGNATE AN AGENCY RECORDS OFFICER TO:

9 (I) SERVE AS THE AGENCY LIAISON TO THE CITY RECORDS MANAGEMENT OFFICER;
10 AND

11 (II) ASSIST THE CITY RECORDS MANAGEMENT OFFICER IN CARRYING OUT THE
12 RECORDS MANAGEMENT PROGRAM FOR THE AGENCY;

13 (2) ON THE REQUEST OF THE CITY RECORDS MANAGEMENT OFFICER, PREPARE A RECORD
14 INVENTORY;

15 (3) COOPERATE WITH THE CITY RECORDS MANAGEMENT OFFICER IN THE PREPARATION
16 OF RECORD RETENTION AND DISPOSITION SCHEDULES FOR THE AGENCY HEAD'S
17 AGENCY; AND

18 (4) COMPLY WITH THE RULES AND REGULATIONS ADOPTED BY THE CITY RECORDS
19 MANAGEMENT OFFICER WITH RESPECT TO THE RETENTION, DISPOSAL, STORAGE, AND
20 DIGITIZATION OF AGENCY RECORDS.

21 **§ 10-10. DISPOSAL OF RECORDS.**

22 (A) *SCOPE OF SECTION.*

23 NOTHING IN THIS SECTION APPLIES TO ANY RECORD THAT HAS BEEN TRANSFERRED TO THE
24 CUSTODY OF THE MARYLAND STATE ARCHIVES.

25 (B) *IN GENERAL.*

26 EXCEPT AS PROVIDED IN THIS SECTION OR IN AN APPROVED RECORD RETENTION AND
27 DISPOSITION SCHEDULE, RECORDS CREATED OR RECEIVED BY AN AGENCY IN THE COURSE
28 OF OFFICIAL CITY BUSINESS ARE THE PROPERTY OF THE MAYOR AND CITY COUNCIL OF
29 BALTIMORE AND MAY NOT BE DESTROYED, SOLD, TRANSFERRED, OR OTHERWISE
30 DISPOSED.

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1 (C) *AGENCY COMPLIANCE.*

2 EACH AGENCY MUST COMPLY WITH ITS RECORD RETENTION AND DISPOSITION SCHEDULE
3 AND THE DISPOSAL PROCESS SET FORTH IN TITLE 10, SUBTITLE 6 OF THE STATE
4 GOVERNMENT ARTICLE OF THE MARYLAND CODE TO ENSURE:

5 (1) THE ORDERLY RETENTION OF RECORDS REQUIRED FOR THE OPERATION OF THE
6 AGENCY; AND

7 (2) THE PROMPT DISPOSAL OF RECORDS HAVING NO FURTHER VALUE.

8 (D) *AGENCY CERTIFICATE OF DISPOSAL.*

9 (1) AN AGENCY HEAD MUST SUBMIT A CERTIFICATE OF DISPOSAL TO THE CITY RECORDS
10 MANAGEMENT OFFICER FOR ANY RECORD DISPOSED OF IN ACCORDANCE WITH THE
11 AGENCY'S RECORD RETENTION AND DISPOSITION SCHEDULE.

12 (2) THE CERTIFICATE OF DISPOSAL REQUIRED BY THIS SECTION MUST SET FORTH A LIST OF
13 THE DISPOSED RECORDS AND A CERTIFICATION THAT THE RECORDS WERE DISPOSED OF
14 IN ACCORDANCE WITH THIS SUBTITLE.

15 (3) THE CITY RECORDS MANAGEMENT OFFICER SHALL TRANSMIT A COPY OF ANY
16 CERTIFICATE OF DISPOSAL RECEIVED UNDER THIS SUBSECTION TO THE STATE
17 ARCHIVIST.

18 (E) *DISPOSAL OF RECORDS HELD AT A RECORDS STORAGE CENTER.*

19 (1) AT LEAST 30 DAYS BEFORE ANY RECORDS HELD AT ANY CITY RECORDS STORAGE
20 CENTER ADMINISTERED UNDER THIS SUBTITLE ARE DESTROYED, A LIST OF THE
21 RECORDS PROPOSED FOR DESTRUCTION MUST BE SUBMITTED TO THE CITY SOLICITOR
22 AND THE CITY AUDITOR FOR REVIEW.

23 (2) AT ANY TIME DURING THE 30-DAY REVIEW PERIOD, THE CITY SOLICITOR OR THE CITY
24 AUDITOR MAY SUBMIT TO THE CITY RECORDS MANAGEMENT OFFICER A WRITTEN
25 OBJECTION TO THE DESTRUCTION OF A RECORD OR SET OF RECORDS ON THE LIST.

26 (3) ON RECEIPT OF A WRITTEN OBJECTION UNDER PARAGRAPH (2) OF THIS SUBSECTION,
27 THE CITY RECORDS MANAGEMENT OFFICER MUST ~~ORDER THE PROMPT DELIVERY OF~~
28 ~~THE RECORDS SPECIFIED IN THE OBJECTION TO THE CITY SOLICITOR OR THE CITY~~
29 ~~AUDITOR, AS THE CASE MAY BE~~ RETAIN THE RECORD.

30 ~~§ 10-11. RECORDS OF HISTORICAL SIGNIFICANCE.~~

31 (A) ~~IN GENERAL.~~

32 ~~ANY CITY RECORD DEEMED BY THE CITY RECORDS MANAGEMENT OFFICER TO BE~~
33 ~~HISTORICALLY SIGNIFICANT MUST BE TRANSFERRED TO THE CUSTODY OF THE DIRECTOR~~
34 ~~OF THE DEPARTMENT OF LEGISLATIVE REFERENCE FOR PROPER PRESERVATION, INDEXING,~~
35 ~~AND AVAILABILITY FOR RESEARCH PURPOSES.~~

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1 ~~(B) TRANSFER TO THE STATE ARCHIVES AUTHORIZED.~~

2 ~~THE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE REFERENCE MAY, IN HIS OR HER~~
3 ~~DISCRETION, TRANSFER AN ORIGINAL OR COPY OF ANY RECORD RECEIVED UNDER THIS~~
4 ~~SECTION TO THE STATE ARCHIVES.~~

5 ~~§ 10-12~~ 10-11. DIGITIZATION.

6 AS PROVIDED IN CITY CHARTER ARTICLE I, § 7(B), ANY AGENCY MAY SUBSTITUTE A DIGITAL
7 IMAGE OR FILE FOR ANY OF ITS RECORDS, PROVIDED THAT:

8 (I) THE REQUIRED RECORD RETENTION AND DISPOSITION SCHEDULE HAS BEEN
9 APPROVED; AND

10 (II) ANY DIGITAL SURROGATES HAVE BEEN PRODUCED IN A MANNER CONSISTENT WITH
11 THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

12 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance
13 are not law and may not be considered to have been enacted as a part of this or any prior
14 Ordinance.

15 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day
16 after the date it is enacted.

Certified as duly passed this 19 day of October, 2020

Brandon M. Scott

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 19 day of October, 2020

Katanna B. Austin

Chief Clerk

Approved this 27 day of Oct, 2020

Andrew Young

Mayor, Baltimore City

Approved for form and Legal Sufficiency
This 22nd day of October, 2020.

Stefano Di Pietro

Chief Solicitor