


FROM	NAME & TITLE	David Randall, Executive Director <i>David Randall</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Employees', Elected Officials, Retirement Savings Plan Systems 7 E Redwood Street, 12 th Floor		
	SUBJECT	City Council Bill 20-0496-Records Management Modernizing, Correcting, and Conforming		

TO

March ^{DATE:} 4, 2020

The Honorable President and Members of the Baltimore City Council
 Attn: Matawan B. Austin, Executive Secretary
 Room 409, City Hall
 100 N. Holiday Street
 Baltimore, MD 21202

Dear Mr. President and City Council Members:

City Council Bill 20-0496 has been referred to the Employees' Retirement System, the Elected Officials Retirement System (ERS and EOS) and the Retirement Savings Plan (RSP) for comment. The Bill's stated purpose is for "the Baltimore City records management program to conform to State law requirements and to reflect modern management practices in records management; establishing the position of City Records management Officer to coordinate citywide records management ;setting forth certain duties of the City Records Management Officer; requiring City agencies to provide certain cooperation to the City Records management Officer, providing for the manner of proper disposal of certain City records; defining certain terms; and generally relating to the management of the records of Baltimore City government."

The Employees' Retirement System, the Elected Officials' system and the Retirement Savings Plan has no comment on the Bill.

Please call me at 443-984-3180 if you would like additional information.

Cc: Henry Raymond, Board Chairman
 Nichelle Lashley, Deputy Director

**CITY OF BALTIMORE
COUNCIL BILL 20-0496
(First Reader)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Legislative Reference, Police Department, Baltimore Development Corporation, Department of Public Works, Department of Transportation, Department of Housing and Community Development, Department of Finance, Health Department, Baltimore City Parking Authority Board, Board of Liquor License Commissioners, Enoch Pratt Free Library, Housing Authority of Baltimore City, Office of the Comptroller, Department of General Services, Mayor's Office of Emergency Management, Baltimore City Information Technology, Fire Department, Department of Real Estate, Department of Human Resources, Office of the Mayor, Planning Commission, Planning Department, Department of Recreation and Parks, Office of the Labor Commissioner, Office of the Inspector General, Board of Municipal and Zoning Appeals, Commission for Historical and Architectural Preservation, Office of Civil Rights, Mayor's Office of Employment Development, Employees' Retirement System, Elected Officials' Retirement System, Fire and Police Employees' Retirement System, Minority and Women's Business Opportunity Office, Environmental Control Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Records Management – Modernizing, Correcting, and Conforming**

3 FOR the purpose of repealing and replacing City Code provisions regarding Baltimore City
4 records management program to conform to State law requirements and to reflect modern
5 practices in records management; establishing the position of City Records Management
6 Officer to coordinate citywide records management; setting forth certain duties of the City
7 Records Management Officer; requiring City agencies to provide certain cooperation to the
8 City Records Management Officer; providing for the manner of the proper disposal of certain
9 City records; defining certain terms; and generally relating to the management of the records
10 of Baltimore City government.

11 BY repealing

12 Article 1 - Mayor, City Council, and Municipal Agencies
13 Subtitle 10. City Records, in its entirety
14 Baltimore City Code
15 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 BY repealing
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Subtitle 11. City Archivist and Records Management Officer, in its entirety
4 Baltimore City Code
5 (Edition 2000)

6 BY adding
7 Article 1 - Mayor, Council, and Agencies
8 Section(s) 10-1 to 10-12, to be under the new subtitle,
9 "Subtitle 10. Records Management"
10 Baltimore City Code
11 (Edition 2000)

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

15 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Laws of Baltimore City read as
16 follows:

17 **Baltimore City Code**

18 **Article 1. Mayor, City Council, and Municipal Agencies**

19 **Subtitle 10. RECORDS MANAGEMENT**

20 **§ 10-1. DEFINITIONS.**

21 (A) *IN GENERAL.*

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

23 (B) *AFFILIATED ENTITY.*

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

- 26 (1) BALTIMORE CITY PARKING AUTHORITY
27 (2) BALTIMORE CITY BOARD OF LIQUOR LICENSE COMMISSIONERS;
28 (3) BALTIMORE DEVELOPMENT CORPORATION;
29 (4) BALTIMORE POLICE DEPARTMENT;
30 (5) ENOCH PRATT FREE LIBRARY OF BALTIMORE CITY;
31 (6) HOUSING AUTHORITY OF BALTIMORE CITY;

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1 (7) LOCAL DEVELOPMENT COUNCIL, SOUTH BALTIMORE VIDEO LOTTERY
2 TERMINAL;

3 (8) PIMLICO COMMUNITY DEVELOPMENT AUTHORITY; AND

4 (9) SOUTH BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT MANAGEMENT
5 AUTHORITY.

6 (C) *AGENCY*.

7 "AGENCY" MEANS ANY DEPARTMENT, BOARD, COMMISSION, COUNCIL, AUTHORITY,
8 COMMITTEE, OFFICE, OR OTHER UNIT OF CITY GOVERNMENT OR OF ANY AFFILIATED
9 ENTITY.

10 (D) *INCLUDES; INCLUDING*.

11 "INCLUDES" OR "INCLUDING" MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
12 LIMITATION.

13 (E) *RECORD*.

14 (1) *IN GENERAL*.

15 "RECORD" MEANS ANY DOCUMENTARY MATERIAL IN ANY FORM CREATED OR
16 RECEIVED BY AN AGENCY IN CONNECTION WITH THE TRANSACTION OF PUBLIC
17 BUSINESS.

18 (2) *INCLUSIONS*.

19 "RECORD" INCLUDES:

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

23 (II) DATA GENERATED, STORED, RECEIVED, OR COMMUNICATED BY ELECTRONIC
24 MEANS FOR USE BY, OR STORAGE IN, AN INFORMATION SYSTEM OR FOR
25 TRANSMISSION FROM ONE INFORMATION SYSTEM TO ANOTHER.

26 (3) *EXCLUSIONS*.

27 "RECORD" DOES NOT INCLUDE:

28 (I) EXTRA COPIES OF DOCUMENTS THAT:

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

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

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1 (II) INFORMATIONAL COPIES OF CORRESPONDENCE, DIRECTIVES, FORMS, OR OTHER
2 SIMILAR DOCUMENTS ON WHICH NO ADMINISTRATIVE ACTION IS RECORDED OR
3 TAKEN;

4 (III) LIBRARY AND MUSEUM MATERIALS MADE OR ACQUIRED FOR REFERENCE OR
5 EXHIBITION PURPOSES;

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

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

9 (VI) EXTRA COPIES OF PRINTED OR PROCESSED MATERIALS FOR WHICH COMPLETE
10 RECORD SETS EXISTS, INCLUDING CURRENT AND SUPERCEDED MANUALS
11 MAINTAINED OUTSIDE THE AGENCY RESPONSIBLE FOR MAINTAINING THE
12 MANUAL;

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

16 (VIII) PHYSICAL EXHIBITS, ARTIFACTS, AND OTHER MATERIAL OBJECTS LACKING
17 EVIDENTIAL VALUE.

18 (F) *RECORD INVENTORY.*

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

22 (G) *RETENTION PERIOD.*

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

25 (H) *STATE ARCHIVIST.*

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

28 **§ 10-2. MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.**

29 (A) *MANDATORY TERMS.*

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

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1 (B) *PROHIBITORY TERMS.*

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

4 (C) *PERMISSIVE TERMS.*

5 "MAY" IS PERMISSIVE.

6 §§ 10-3 TO 10-4. *{RESERVED}*

7 § 10-5. **CITY RECORDS MANAGEMENT OFFICER: IN GENERAL.**

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

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

11 (A) *IN GENERAL.*

12 THE CITY RECORDS MANAGEMENT OFFICER SHALL DIRECT THE DEVELOPMENT AND
13 ADMINISTRATION OF A CONTINUING RECORDS MANAGEMENT, ARCHIVAL, AND DISPOSAL
14 PROGRAM FOR THE RECORDS OF ALL CITY AGENCIES.

15 (B) *SPECIFIC DUTIES.*

16 THE CITY RECORDS MANAGEMENT OFFICER MUST:

17 (1) ESTABLISH STANDARDS, PROCEDURES, AND TECHNIQUES FOR THE EFFECTIVE
18 MANAGEMENT OF CITY RECORDS;

19 (2) PREPARE, FOR THE APPROVAL OF THE STATE ARCHIVIST, RECORD RETENTION AND
20 DISPOSITION SCHEDULES PROVIDING FOR:

21 (I) THE RETENTION OF CITY AND AGENCY RECORDS OF CONTINUING VALUE FOR
22 A SPECIFIC RETENTION PERIOD; AND

23 (II) THE ORDERLY DISPOSAL OF CITY AND AGENCY RECORDS NO LONGER
24 POSSESSING SUFFICIENT ADMINISTRATIVE, LEGAL, FISCAL, OR HISTORICAL
25 VALUE TO WARRANT FURTHER PRESERVATION;

26 (3) REVIEW ALL PROPOSALS FOR THE DIGITIZATION OF RECORDS, WHETHER OR NOT
27 THE ULTIMATE DESTRUCTION OF THE ORIGINAL RECORD IS INVOLVED;

28 (4) ASSIST AGENCY HEADS IN THE PREPARATION OF AGENCY RECORD INVENTORIES;

29 (5) PERIODICALLY INSPECT RECORDS AND RECORDS MANAGEMENT PRACTICES OF
30 AGENCIES; AND

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1 (6) ORGANIZE AND ADMINISTER A CITY RECORDS STORAGE CENTER OR CENTERS FOR
2 THE CITY'S INACTIVE AND HISTORICAL RECORDS.

3 (C) *RULES AND REGULATIONS.*

4 (1) *IN GENERAL.*

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

7 (2) *FILING WITH LEGISLATIVE REFERENCE.*

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

11 **§§ 10-7 TO 10-8. {RESERVED}**

12 **§ 10-9. DUTIES OF AGENCIES.**

13 EACH AGENCY HEAD MUST:

14 (1) DESIGNATE AN AGENCY RECORDS OFFICER TO:

15 (I) SERVE AS THE AGENCY LIAISON TO THE CITY RECORDS MANAGEMENT OFFICER;
16 AND

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

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

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

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

27 **§ 10-10. DISPOSAL OF RECORDS.**

28 (A) *SCOPE OF SECTION.*

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

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1 (B) *IN GENERAL.*

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

7 (C) *AGENCY COMPLIANCE.*

8 EACH AGENCY MUST COMPLY WITH ITS RECORD RETENTION AND DISPOSITION SCHEDULE
9 TO ENSURE:

10 (1) THE ORDERLY RETENTION OF RECORDS REQUIRED FOR THE OPERATION OF THE
11 AGENCY; AND

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

13 (D) *AGENCY CERTIFICATE OF DISPOSAL.*

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

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

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

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

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

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

31 (3) ON RECEIPT OF A WRITTEN OBJECTION UNDER PARAGRAPH (2) OF THIS SUBSECTION,
32 THE CITY RECORDS MANAGEMENT OFFICER MUST ORDER THE PROMPT DELIVERY OF
33 THE RECORDS SPECIFIED IN THE OBJECTION TO THE CITY SOLICITOR OR THE CITY
34 AUDITOR, AS THE CASE MAY BE.

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1 **§ 10-11. RECORDS OF HISTORICAL SIGNIFICANCE.**

2 (A) *IN GENERAL.*

3 ANY CITY RECORD DEEMED BY THE CITY RECORDS MANAGEMENT OFFICER TO BE
4 HISTORICALLY SIGNIFICANT MUST BE TRANSFERRED TO THE CUSTODY OF THE DIRECTOR
5 OF THE DEPARTMENT OF LEGISLATIVE REFERENCE FOR PROPER PRESERVATION, INDEXING,
6 AND AVAILABILITY FOR RESEARCH PURPOSES.

7 (B) *TRANSFER TO THE STATE ARCHIVES AUTHORIZED.*

8 THE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE REFERENCE MAY, IN HIS OR HER
9 DISCRETION, TRANSFER AN ORIGINAL OR COPY OF ANY RECORD RECEIVED UNDER THIS
10 SECTION TO THE STATE ARCHIVES.

11 **§ 10-12. DIGITIZATION.**

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

14 (I) THE REQUIRED RECORD RETENTION AND DISPOSITION SCHEDULE HAS BEEN
15 APPROVED; AND

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

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

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