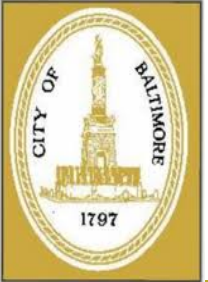


FROM	NAME & TITLE	Matthew W. Garbark, Acting Director	CITY of BALTIMORE <i>MEMO</i>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 20-0496		

September 9, 2020

TO: Equity and Structure Committee

INTRODUCTION

I am herein reporting on City Council Bill 20-0496 introduced by the Administration (Department of Legislative Reference – Archives Division).

PURPOSE

The purpose of the Bill is to repeal and replace the City Code provisions regarding Baltimore City records management to conform to State law requirements and to reflect modern practices in records management; establish the position of City Records Management Officer to coordinate citywide records management, and set forth certain duties of the Officer; require City agencies to provide certain cooperation to the Officer; provide for the manner of the proper disposal of certain City records; define certain terms; and generally relating to the management of the records of Baltimore City government.

BRIEF HISTORY

Maryland state law has public record retention and destruction requirements for government records which apply to local government officials, including elected officials and local government employees and officials. Local public record requirements and procedures must comply with State law. City Council Bill 20-0496, if approved and enacted, would repeal and replace the current City Code provisions to assure conformance with current State law requirements that cover paper and electronic records resulting from the transaction of public business. Public business documents include maps, plats, contracts, correspondence, emails, text messages, and legislation, to name just a few examples. A records retention schedule must be approved by the Maryland State Archivist before any destruction of public records is allowed. Destruction is allowed if a public record is offered to the State Archivist and refused. The legislation creates the position of a City Records Management Officer who would work with agency records officers to create record retention schedules for each agency. The City Records Management Officer is required to create rules and regulations to carry out the provisions of these new records requirements, and would also provide the agency record retention schedules to the State Archivist for approval.

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The Department of Public Works was established in 1925 and has kept and maintained records, including those that predate the Department, of the development of its underground utilities, facilities, landfills, reservoirs and dams, properties within and outside of the City, any enforcement actions, contracts and agreements, maps and plats, and related correspondence. Under this legislation, the Department would need to designate or hire an agency records officer who would work with the City Records Management Officer.

FISCAL IMPACT

While the Department supports the need for modernizing the sections of the Code addressing records management, we wish to point out some outstanding concerns raised by the following provisions in the Bill:

- Section 10-9(2) requires that the agency records officer prepare a record inventory. This would be a herculean task. The Department would expect to purchase and utilize document management software that could handle all forms of documents, maps, contracts, and plats. Due to the magnitude of the task, a consultant would need to be hired to create an inventory of existing documents, and a process for adding future records as well. The cost to standardize and perform such an inventory is difficult to quantify, but is expected to be significant.
- Section 10-10(C) and (D) describes the process by which an agency may submit a certificate of disposal that follows their records retention and disposal schedule, and a list of the disposed records, to the State Archivist. While this would seem to be a simple task, the administrative requirement may act as an unintended deterrent for disposing of records.
- Section 10-10(E) affords an opportunity for the City Solicitor and City Auditor to review a list of records before they are destroyed. A thorough review may not be tenable, particularly if Departments are waiting to dispose of records in large batches due to the above administrative processes.

The Department asks the City Council to consider the above concerns when deliberating on this legislation.

AGENCY/DEPARTMENT POSITION

The Department of Public Works defers to the Department of Law on City Council Bill 20-0496.



Matthew W. Garbark
Acting Director