



Legislation Text

File #: 20-0496, Version: 0

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: The Council President

At the request of: The Administration (Department of Legislative Reference - Archives Division)

A Bill Entitled

An Ordinance concerning

Records Management - Modernizing, Correcting, and Conforming

For the purpose of repealing and replacing City Code provisions regarding Baltimore City records management program to conform to State law requirements and to reflect modern 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 the proper disposal of certain City records; defining certain terms; and generally relating to the management of the records of Baltimore City government.

By repealing

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

By repealing

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

By adding

Article 1 - Mayor, Council, and Agencies
Section(s) 10-1 to 10-12, to be under the new subtitle,
“Subtitle 10. Records Management”
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That

City Code Article 1, Subtitle 10 {"City Records"} and City Code Article 1, Subtitle 11 {City Archivist and Records Management Officer"}, are repealed, in their entireties.

Section 2. And be it further ordained, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 10. Records Management

§ 10-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Affiliated entity.*

“Affiliated entity” means a governmental or quasi-governmental unit managed or funded by the Mayor and City Council of Baltimore, including:

- (1) Baltimore City Parking Authority
- (2) Baltimore City Board of Liquor License Commissioners;
- (3) Baltimore Development Corporation;
- (4) Baltimore Police Department;
- (5) Enoch Pratt Free Library of Baltimore City;
- (6) Housing Authority of Baltimore City;
- (7) Local Development Council, South Baltimore Video Lottery Terminal;
- (8) Pimlico Community Development Authority; and
- (9) South Baltimore Gateway Community Impact District Management Authority.

(c) *Agency.*

“Agency” means any department, board, commission, council, authority, committee, office, or other unit of City government or of any affiliated entity.

(d) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(e) *Record.*

(1) *In general.*

“Record” means any documentary material in any form created or received by an agency in connection with the transaction of public business.

(2) *Inclusions.*

“Record” includes:

- (i) written materials, email, books, photographs, photocopies, publications, forms, microfilms, tapes, computerized records, maps, drawings, and other materials in any format; and
- (ii) data generated, stored, received, or communicated by electronic means for use by, or storage in, an information system or for transmission from one information system to another.

(3) *Exclusions.*

“Record” does not include:

- (i) extra copies of documents that:
 - (A) have no separate administrative purpose or value; and
 - (B) are preserved only for convenience or reference;
- (ii) informational copies of correspondence, directives, forms, or other similar documents on which no administrative action is recorded or taken;
- (iii) library and museum materials made or acquired for reference or exhibition purposes;
- (iv) personal papers or papers of a private or non-official character that pertain to an individual’s private affairs;
- (v) duplicate copies of documents maintained in the same file;
- (vi) extra copies of printed or processed materials for which complete record sets exists, including current and superceded manuals maintained outside the agency responsible for maintaining the manual;
- (vii) catalogs, trade journals, and other publications received from government agencies, commercial firms, or private institutions that require no further action by the agency; or
- (viii) physical exhibits, artifacts, and other material objects lacking evidential value.

(f) *Record inventory.*

“Record inventory” means a survey of all records series maintained by an agency resulting in a detailed, itemized compilation of the records in the possession of that agency.

(g) *Retention period.*

“Retention period” means the period of time that a record must be retained in accordance with an approved Records Retention and Disposition Schedule.

(h) *State Archivist.*

“State Archivist” means the individual appointed under Maryland State Government Article, § 9-1005, or that individual’s designee.

§ 10-2. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“May not” and “no ... may” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.

§§ 10-3 to 10-4. {Reserved}

§ 10-5. City Records Management Officer: In general.

There is a City Records Management Officer appointed by the Director of the Department of Legislative Reference.

§ 10-6. City Records Management Officer: Duties.

(a) *In general.*

The City Records Management Officer shall direct the development and administration of a continuing records management, archival, and disposal program for the records of all City agencies.

(b) *Specific duties.*

The City Records Management Officer must:

- (1) establish standards, procedures, and techniques for the effective management of City records;
- (2) prepare, for the approval of the State Archivist, Record Retention and Disposition Schedules providing for:

- (i) the retention of City and agency records of continuing value for a specific retention

period; and

- (ii) the orderly disposal of City and agency records no longer possessing sufficient administrative, legal, fiscal, or historical value to warrant further preservation;
- (3) review all proposals for the digitization of records, whether or not the ultimate destruction of the original record is involved;
- (4) assist agency heads in the preparation of agency record inventories;
- (5) periodically inspect records and records management practices of agencies; and
- (6) organize and administer a City records storage center or centers for the City's inactive and historical records.

(c) *Rules and regulations.*

(1) *In general.*

The City Records Management Officer must adopt rules and regulations to carry out this subtitle.

(2) *Filing with Legislative Reference.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference before they take effect.

§§ 10-7 to 10-8. {Reserved}

§ 10-9. Duties of agencies.

Each agency head must:

- (1) designate an Agency Records Officer to:
 - (i) serve as the agency liaison to the City Records Management officer; and
 - (ii) assist the City Records Management Officer in carrying out the records management program for the agency;
- (2) on the request of the City Records Management Officer, prepare a record inventory;
- (3) cooperate with the City Records Management Officer in the preparation of Record Retention and Disposition Schedules for the agency head's agency; and
- (4) comply with the rules and regulations adopted by the City Records Management Officer with respect to the retention, disposal, storage, and digitization of agency records.

§ 10-10. Disposal of records.

(a) *Scope of section.*

Nothing in this section applies to any record that has been transferred to the custody of the Maryland State Archives.

(b) *In general.*

Except as provided in this section or in an approved Record Retention and Disposition Schedule, records created or received by an agency in the course of official City business are the property of the Mayor and City Council of Baltimore and may not be destroyed, sold, transferred, or otherwise disposed of.

(c) *Agency compliance.*

Each agency must comply with its Record Retention and Disposition Schedule to ensure:

- (1) the orderly retention of records required for the operation of the agency; and
- (2) the prompt disposal of records having no further value.

(d) *Agency Certificate of Disposal.*

- (1) An agency head must submit a Certificate of Disposal to the City Records Management Officer for any record disposed of in accordance with the agency's Record Retention and Disposition Schedule.
- (2) The Certificate of Disposal required by this section must set forth a list of the disposed records and a certification that the records were disposed of in accordance with this subtitle.
- (3) The City Records Management Officer shall transmit a copy of any Certificate of Disposal received under this subsection to the State Archivist.

(e) *Disposal of records held at a records storage center.*

- (1) At least 30 days before any records held at any City records storage center administered under this subtitle are destroyed, a list of the records proposed for destruction must be submitted to the City Solicitor and the City Auditor for review.
- (2) At any time during the 30-day review period, the City Solicitor or the City Auditor may submit to the City Records Management Officer a written objection to the destruction of a record or set of records on the list.
- (3) On receipt of a written objection under paragraph (2) of this subsection, the City Records Management Officer must order the prompt delivery of the records specified in the objection to the City Solicitor or the City Auditor, as the case may be.

§ 10-11. Records of historical significance.

(a) *In general.*

Any City record deemed by the City Records Management Officer to be historically significant must be transferred to the custody of the Director of the Department of Legislative Reference for proper preservation, indexing, and availability for research purposes.

(b) *Transfer to the State Archives authorized.*

The Director of the Department of Legislative Reference may, in his or her discretion, transfer an original or copy of any record received under this section to the State Archives.

§ 10-12. Digitization.

As provided in City Charter Article I, § 7(b), any agency may substitute a digital image or file for any of its records, provided that:

- (i) the required Record Retention and Disposition Schedule has been approved; and
- (ii) any digital surrogates have been produced in a manner consistent with the rules and regulations adopted under this subtitle.

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.