

Amendment 2 Council Bill No. 32-2014

BY: Jennifer Terrasa

Legislative Day No: 8

Date: July 7, 2014

Amendment No. 2

(This amendment eliminates the provisions of the Bill as introduced; requires certain documents to be published in searchable format at certain times; requires County units to produce and inventory of records and identify those that may be of interest to the public and requires those to be published to the internet before a certain date; provides for an advisory task force and a plan; and provides for a web portal and advisory bodies.)

1 On the title page, strike the purpose paragraph and substitute:

2

3 “AN ACT requiring that certain County documents be searchable; requiring County units
4 to compile a certain inventory and publish certain items to the internet; providing for certain
5 advisory bodies; requiring the Director of the Department of Technology and Communication
6 Services to collect certain information and make certain recommendations; and generally
7 relating to data transparency in the County.”

8

9 Beginning on page 1, line 1, strike down through page 8, line 19, and substitute:

10

11

12 “Section 1. And Be It Enacted by the County Council of Howard County, Maryland,
13 that:

14 A. this Section 1 does not affect whether a document must be published to the internet
15 only the format that must be used if a document is published;

16 B. this Section 1 applies only to:

17 1. documents created after this Act takes effect; and

18 2. documents that are published to the internet;

19 C. subject to item D, within 60 days after the day that this Act takes effect, all County

1 Agencies under the authority of the County Executive or the County Council that publish
2 documents to the internet shall publish them in a searchable format; and
3 D. if a signature is required, an electronic signature or a scanned version of a signature
4 page may be used.

5
6 Section 2. And Be It Further Enacted by the County Council of Howard County,
7 Maryland, that the Howard County Code is amended as follows:

8
9 By adding:

10 Title 22 – General provisions, penalties and rules of interpretation.

11 Subtitle 8. Governmental transparency.

12
13
14 “Title 22 – General provisions[[], penalties and rules of interpretation].

15 SUBTITLE 8. – GOVERNMENTAL TRANSPARENCY.

16
17 22.800. PURPOSE; SCOPE .

18 (A) THE PURPOSE OF THIS SUBTITLE IS TO IMPROVE TRANSPARENCY AND EFFICIENCY IN
19 GOVERNMENT WHILE ADDRESSING ITS GOALS OF EFFECTIVE COMMUNICATION AND COLLABORATION
20 WITHIN UNITS AND DELIVERY OF USEFUL INFORMATION TO THE PUBLIC THROUGH AN INTUITIVE AND
21 INTERACTIVE WEB PORTAL.

22 (B) EXCEPT AS PROVIDED IN SECTION 22.806 OF THIS SUBTITLE, THIS SUBTITLE APPLIES
23 ONLY TO DATA CREATED AFTER THIS SUBTITLE TAKES EFFECT.

24
25 22.801. DEFINITIONS

26 (A) (1) DATA MEANS THE FINAL VERSION OF INFORMATION THAT IS CREATED OR
27 MAINTAINED BY A UNIT.

28 (2) DATA INCLUDES, BUT IS NOT LIMITED TO, DOCUMENTS, RECORDS, DIGITAL
29 DATA, LISTS, TABLES, SPREADSHEETS, GRAPHS, CHARTS, MEMORANDA, MINUTES, MANUALS, AND
30 ORDERS.

1 (B) FACILITATOR MEANS THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY AND
2 COMMUNICATIONS SERVICES.

3 (C) UNIT MEANS A UNIT OF COUNTY GOVERNMENT THAT IS UNDER THE AUTHORITY OF THE
4 COUNTY EXECUTIVE OR THE COUNTY COUNCIL.

5
6
7 **22.802. INVENTORY.**

8 (A) EACH UNIT SHALL COMPILE AN INVENTORY OF:

9 (1) THE DATA THAT THE UNIT PUBLISHES TO THE INTERNET; AND

10 (2) THE DATA THAT THE UNIT CREATES BUT DOES NOT PUBLISH TO THE INTERNET.

11 (B)(1) ON OR BEFORE, DECEMBER 1, 2014, EACH UNIT SHALL SUBMIT TO THE
12 FACILITATOR THE INVENTORY.

13 (2) THE UNIT SHALL ENSURE THAT THE INVENTORY IS COMPLETE, ACCURATE, AND
14 UP-TO-DATE.

15 (C) EACH UNIT SHALL INDICATE FOR THE ITEMS IN THE INVENTORY:

16 (1) THE ITEMS THAT THE UNIT BELIEVES ARE OF INTEREST TO THE PUBLIC;

17 (2) ANY IMPEDIMENTS TO PUBLICATION OF THE ITEMS TO THE INTERNET; AND

18 (3) THE ITEMS THAT ARE CONFIDENTIAL.

19 (D) ON OR BEFORE, DECEMBER 15, 2014, THE FACILITATOR SHALL SUBMIT A COMBINED
20 INVENTORY TO THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE.

21
22 **22.803. PORTAL.**

23 (A) THE FACILITATOR SHALL INVESTIGATE OPTIONS FOR A SINGLE WEB PORTAL THAT
24 WOULD ALLOW THE PUBLIC TO LOCATE AND ACCESS THE DATA THAT THE COUNTY PUBLISHES TO THE
25 INTERNET.

26 (B) ON OR BEFORE DECEMBER 15., 2014, THE FACILITATOR SHALL RECOMMEND TO THE
27 COUNTY EXECUTIVE AND THE COUNTY COUNCIL A PLAN TO IMPLEMENT THE PORTAL.

28
29 **22.804. TASK FORCE.**

30 (A) TO CARRY OUT THIS SUBTITLE, THE FACILITATOR MUST CONVENE A TASK FORCE.

1 (B) THE TASK FORCE CONSISTS OF:

2 (1) 2 MEMBERS APPOINTED BY THE COUNTY EXECUTIVE;

3 (2) ONE MEMBER APPOINTED BY EACH MEMBER OF THE COUNTY COUNCIL;

4 (3) MEMBERS FROM THE UNITS THAT THE FACILITATOR BELIEVES SHOULD BE
5 REPRESENTED ; AND

6 (4) 2 REPRESENTATIVES OF THE COUNTY COUNCIL.

7 (C) THE TASK FORCE SHALL MEET PERIODICALLY TO:

8 (1) ADVISE THE FACILITATOR, THE COUNTY EXECUTIVE, AND THE COUNTY
9 COUNCIL;

10 (2) STUDY BEST PRACTICES;

11 (3) ENSURE THAT UNITS PARTICIPATE AND COMPLY WITH THE PURPOSES OF THIS
12 SUBTITLE; AND

13 (4) AFTER REVIEWING THE INVENTORY, RECOMMEND ITEMS OF INTEREST TO THE
14 PUBLIC THAT SHOULD BE PUBLISHED TO THE INTERNET.

15 (D) THE TASK FORCE SHALL ISSUE A REPORT ON OR BEFORE MARCH 1, 2015, AND
16 PERIODICALLY THEREAFTER.

17
18 **22.805. PLAN.**

19 ON OR BEFORE SEPTEMBER 1, 2015, THE FACILITATOR SHALL SUBMIT TO THE COUNTY
20 EXECUTIVE AND THE COUNTY COUNCIL A PLAN FOR PUBLISHING TO THE INTERNET THE ITEMS THAT
21 ARE OF INTEREST TO THE PUBLIC.

22
23 **22.806. PUBLICATION TO THE INTERNET.**

24 (A) AS SOON AS PRACTICAL, BUT NOT LATER THAN SEPTEMBER 1, 2016, THE ITEMS
25 IDENTIFIED IN THE PLAN AS BEING OF INTEREST TO THE PUBLIC MUST BEGIN TO BE PUBLISHED TO THE
26 INTERNET.

27 (B) THIS SECTION DOES NOT APPLY TO:

28 (1) EMAIL, INSTANT MESSAGES, CORRESPONDENCE, OR SIMILAR EXCHANGES;

29 (2) A GOVERNMENTAL RECORD THAT IS REQUIRED OR PERMITTED TO BE WITHHELD
30 FROM DISCLOSURE UNDER ANY FEDERAL OR STATE LAW, INCLUDING THE MARYLAND PUBLIC

1 INFORMATION ACT;
2 (3) ANY DOCUMENT OR DATA THAT IS REQUIRED TO BE CONFIDENTIAL UNDER
3 COUNTY, STATE, OR FEDERAL LAW.
4 (C)(1) SUBJECT TO PARAGRAPH (2) OF THIS PARAGRAPH, THE ITEMS PUBLISHED UNDER THIS
5 SECTION MUST BE SEARCHABLE.
6 (2) META-DATA OR TAGS MUST BE PROVIDED FOR ITEMS THAT CANNOT BE MADE
7 SEARCHABLE.
8
9 **22.807. ARCHIVED MATERIALS.**
10 IN CONSULTATION WITH UNITS, THE FACILITATOR MUST MAKE A PLAN TO PUBLISH TO THE
11 INTERNET DATA THAT WAS CREATED BEFORE THE DATE THIS SUBTITLE BECAME EFFECTIVE.”
12

13 On page 8, beginning with “And” in line 21, strike down through “Section 4.” In line 25.