

**TOWN OF RISING SUN
RESOLUTION 2013-02**

WHEREAS, the Town, located in Cecil County, Maryland is a municipality organized under and governed by Article 23A of the Annotated Code of Maryland; and

WHEREAS, the Town is proclaimed as a perpetual entity with the right to pass laws; and

WHEREAS, Annotated Code of Maryland State Government Article 10, section 631-634, and COMAR 14.18.02 titled Records Retention and Disposition Schedules, requires every State County or Local Government agency to develop a program to efficiently manage its records, to include the establishment of a records retention and disposition schedule; and

WHEREAS, this COMAR 14.18.02.02 defines "Records" any documentary material in any form created or received by an agency in connection with the transaction of public business, to include written materials, email, books, photographs, photocopies, publications, forms, microfilm, tapes, computerized records, maps, drawings, and other material in any format; and

WHEREAS, these documents are to be maintained and accessible to the public as outlined by the Maryland Public Information Act, Annotated Code of Maryland State Government, Article 10, sections 611 through 630; and

WHEREAS, the Town already archives such records as required by way of physical storage and transfer to electronic media format; and

WHEREAS, the Town also has an independent email hosting exchange system capable of archiving all emails sent and received by officials conducting Town business on behalf of the Town of Rising Sun; and

WHEREAS, COMAR 14.18.02.05 titled Duties of Custodians, Public Officials, and Employees states that it is the responsibility of all custodians, public officials, and employees to retain and protect all records in their custody; and no officer, employee, or contractor of any agency shall destroy, sell, or otherwise dispose of any record in such person's care or custody or under such person's control without first having followed the record retention procedures in place; and

WHEREAS, the willful, unauthorized destruction or alienation of any public record is a misdemeanor subject to criminal penalties set forth in the Annotated Code of Maryland Criminal Law, Article 8, sections 606; and

WHEREAS, any liability created by failure to properly archive such records and for failure to comply with these provisions is a liability assumed in part by the Town of Rising Sun, its businesses and citizens, if not properly address going forward.

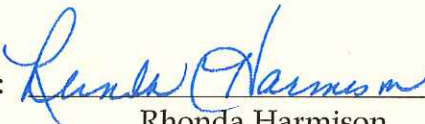
NOW THEREFORE BE IT RESOLVED, that from this date forward, all email correspondence created or received by an elected Town official or Town employee related to the conduct of any Town related business, shall be conducted using the Town's hosted email exchange system risingsunmd.org. Furthermore, this email hosting system will not be used for any personal non-town related emails.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this resolution on this 26th day of February, 2013.

AYES: Commissioner Berkowich, Commissioner Marion, Commissioner Naughton, Commissioner Osborne

ATTEST:

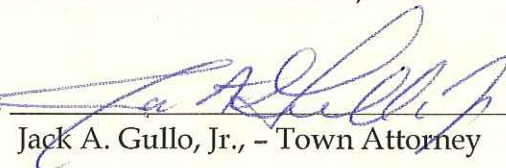
THE MAYOR AND COMMISSIONERS
OF THE TOWN OF RISING SUN

BY: 
Rhonda Harmison,
Town Clerk

BY: 
Robert A. Fisher - Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS 25 DAY OF FEBRUARY, 2013

BY: 
Jack A. Gullo, Jr., - Town Attorney

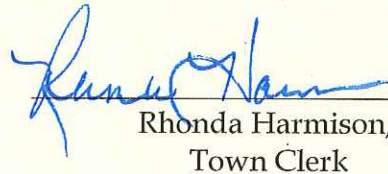
STATE OF MARYLAND)
COUNTY OF CECIL)
TOWN OF RISING SUN)

SS:

CERTIFICATE

I, Rhonda Harmison, Town Clerk for the Town of Rising Sun, Maryland, do hereby certify that the above and foregoing Resolution is a true, perfect and complete copy of the Resolution adopted by the Mayor and Commissioners of the Town of Rising Sun, Maryland, and is identical to the original thereof appearing in the official records of the Town of Rising Sun, Maryland and the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 27th day of February, 2013.


Rhonda Harmison,
Town Clerk