



Legislation Text

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Int. No. 217

By Council Members Perkins, Lopez and Sanders (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the preservation of records of elected officials of the city.

Be it enacted by the Council as follows:

Section 1. Section 3004 of the New York city charter is amended by adding a new subdivision 4, to read as follows:

4. The commissioner may provide by agreement for the transfer of the records of any former elected official of the city to an organization, including but not limited to a college, university or other educational institution, which has undertaken to appraise, classify, arrange and make such records available for reference. Such agreement shall describe the records which fall within its scope, the work which will be done with regard to such records and the facility where the records will be kept during the performance of the work, and may provide that such work shall be funded in whole or in part by the organization performing it or by other sources of funding other than the city. No such agreement shall be entered into unless it shall provide:

a. a schedule specifying deadlines for the completion of each phase of the work described in the agreement;

b. that public access to the records covered by the agreement shall be provided in accordance with the New York state freedom of information law;

c. that agencies of the city shall have free access on an as-needed basis to the records covered by the agreement;

d. that the agreement may not be assigned without the express approval of the commissioner;

e. that the organization which will be party to the agreement shall utilize, by employment or contractual arrangement, individuals or organizations with suitable professional experience in the archiving and preservation of records for the work described in the agreement, and that such individuals or organizations are approved by the commissioner;

f. that the commissioner may oversee and supervise the work described in the agreement, and may terminate the agreement immediately upon finding that such work is not being performed in accordance with commonly accepted archival standards or that there has been non-compliance with any provision of the agreement, including but not limited to deadlines specified therein; and

g. that the commissioner shall make all determinations regarding the disposal or destruction of any of the records covered by the agreement, in accordance with subdivision b of section eleven hundred thirty-three of this charter.

2. Upon completion of the work described in an agreement provided for in this subdivision, all records covered by the agreement shall be transferred, together with an appropriate description of the classification and arrangement of such records, to the custody of the department. The organization which is party to the agreement shall be allowed to retain copies of such records in accordance with the terms of such agreement. All such records determined by the commissioner to be of historical, research, cultural or other important value shall be preserved and received in the municipal archives in accordance with subdivision one of this section.

3. No agreement provided for in this subdivision shall be entered into during the term of office of any elected official of the city with regard to whose records such agreement applies.

§2. This local law shall take effect immediately and shall apply to any agreement entered into on or after the date of its enactment.