



MARYLAND GOVERNMENT FINANCE OFFICERS ASSOCIATION

Records Compliance, Retention, and Disclosure

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Whiteford | Taylor | Preston^{LLP}

Records Management



MARYLAND
ASSOCIATION OF
COUNTIES



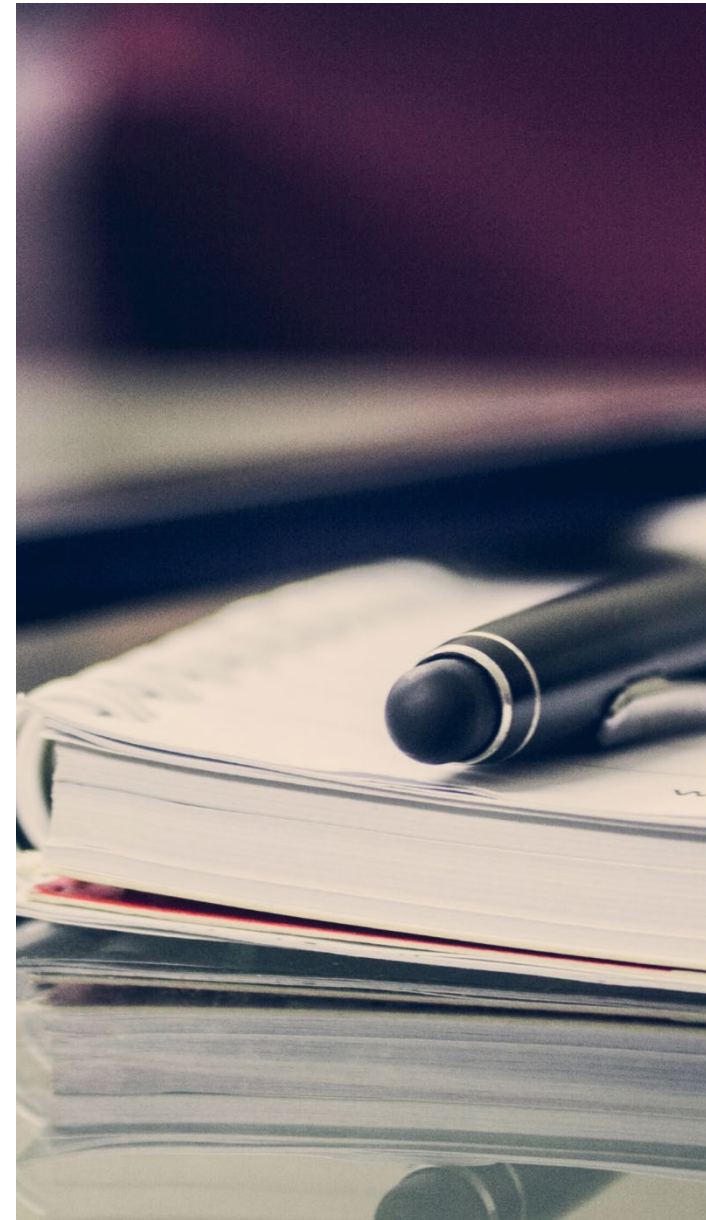
- What is Records Management?
 - What do you have?
 - Where is it?
 - How long do you need it?
- Why do it?
- Who can help?



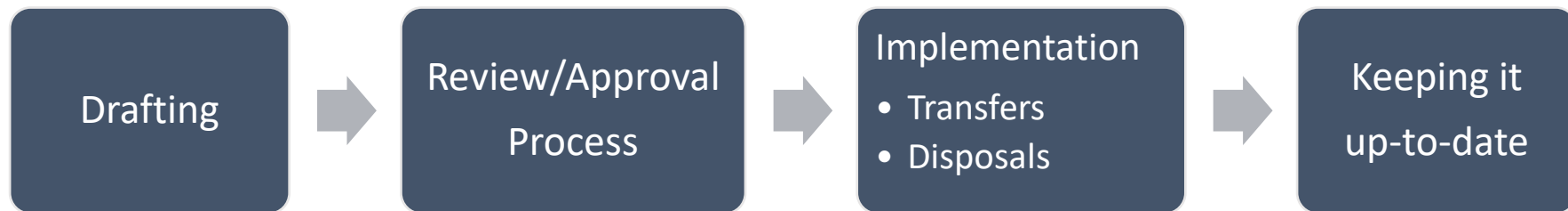
Records Management Cornerstones



- Inventory
- Retention Schedule
 - Agency created, Archives approved
 - Describe all records
 - Specify how long before
 - Destruction
 - Or
 - Transfer



Retention Schedules



Why Should You Focus on Records Retention?

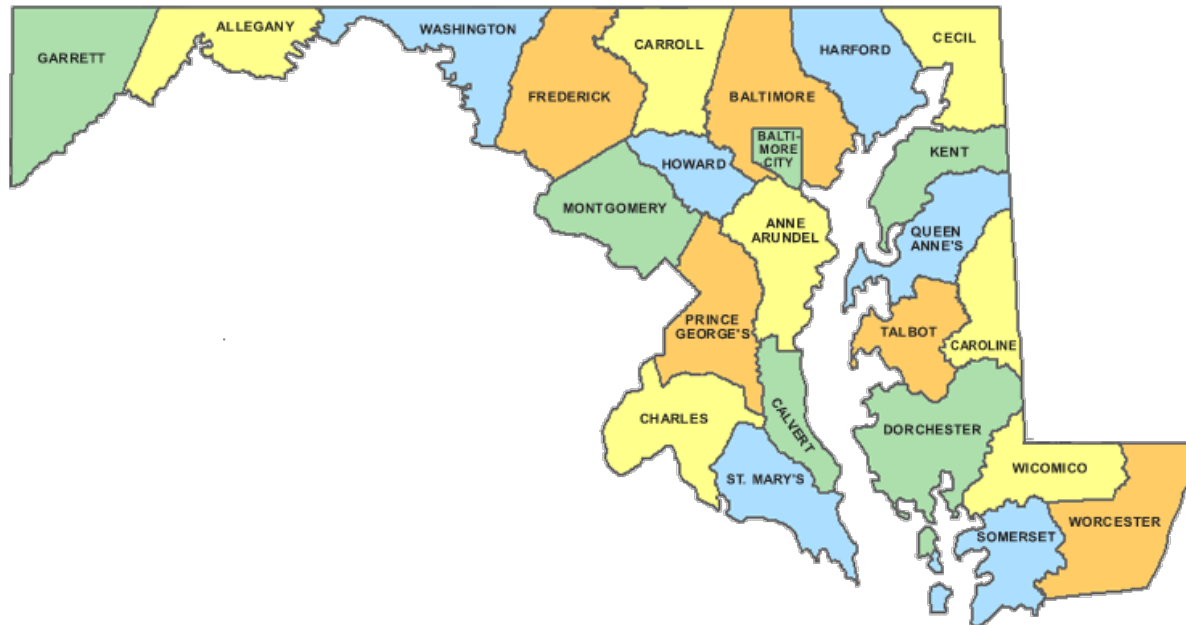


- The Maryland General Assembly and the Administration of Governor Larry Hogan have made ethics and transparency a key issue of the 2020 Session.
- The General Assembly is also focused on updating the Maryland Public Information Act, with a goal of increasing public access to records.
- Records retention is connected to both issue areas.
 - The people's information
 - What are you hiding?

County Record Retention Policies



- Each department within a county either follows the State's policy or sets its own guidelines in accordance with State law.



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County Record Retention Policies



- KNOW your policy
- UNDERSTAND what your policy covers and what it excludes
- UPDATE your policy as necessary to keep up with changes in state law, county ordinances, and best practices
- SEEK ASSISTANCE as needed (Maryland State Archives, MACo, Maryland Municipal League)
- DON'T WAIT until you have an information request
- EXAMPLES of County Record Retention Policies and Schedules

Records Retention and Your Tax-Exempt Financing



- The Internal Revenue Service (IRS) has requirements relating to the retention of the documentation relating to the issuance of tax-exempt bonds.
- In recent years, the IRS also has introduced a question on the Form 8038 whether an Issuer has “post-issuance compliance procedures”, which generally include a records retention policy.



Post-Issuance Compliance Procedures



- It matters! In an audit, the IRS will look more favorably on an issuer that has (and follows) its procedures.
- What is required for “adoption”?
- Responsible Officer to be designated



What Information is Retained?



- Retain documentation of tax exempt financing for initial financing and refinancing (“refunding”) – 3 years after bonds are paid in full, not just defeased.
- Tax-exempt Financing Transcript/Closing Binder



What Information is Retained?



- Use of proceeds of bonds
 - *FINAL allocation of project costs
 - Useful life of projects
 - Allocation of “equity” to project
- Investment proceeds
- Use of the Project
 - Leases
 - Management Contracts
- Sources of payment and security
- Disposition and Remediation

Best Practices



- Inform yourself of outstanding financings.
- If you don't have a post issuance policy, get one.
- Use a calendar system to review the policy annually (pick a date) to see if there have been any changes in the items identified.
- Stay informed.
- When in doubt, call bond counsel!



For more information



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Records Management Guidance Website
msa.maryland.gov/recordsmanagement

Maryland State Archives
410.260.6487
msa.helpdesk@maryland.gov
www.msa.maryland.gov

Maryland Association of Counties
www.mdcounties.org

Kimberly Min, Esq.
Whiteford, Taylor & Preston, LLP
410.347.8751
kmin@wtplaw.com



Whiteford | Taylor | Preston ^{LLP}



QUESTIONS?

Kimberly Min, Esq.

Whiteford, Taylor & Preston, LLP

kmin@wtplaw.com

410.347.8751

Kathryn Baringer

Maryland State Archives

kathryn.baringer@maryland.gov

Leslie Knapp

Maryland Association of Counties

lnapp@mdcounties.org

410.269-0043